

### **502.43 Major Subdivisions**

Any subdivision not meeting the requirements of Section 502.42 shall be considered as a major plat and subject to a two step review process; 1) review of the preliminary plat, and 2) review of the final plat.

### **502.44 The Preliminary Plat**

The purpose of the preliminary plat is to provide a graphic statement of the proposed development of a tract of land. No work shall be permitted on land to be subdivided until the preliminary plat has been approved by the Planning Commission. The preliminary plat is “preliminary” in the sense that the Planning Commission may make recommendations for improving the design or improvement standards before they become finalized on the land. Upon approval of the preliminary plat by the Planning Commission, the developer is authorized to proceed with the development of the approved plan and the construction of public facilities. If the proposed subdivision is to be constructed in more than one phase, the developer shall show the entire proposed development on the preliminary plat. Phases shall occur in such a way as to minimize the cost of extending utilities.

#### **502.441 Submission**

The developer shall apply for approval of a preliminary subdivision plat on the application form provided by the Department of Codes and Planning. The completed application shall be submitted to the Codes Administrator along with the plat and the Plat Requirements Checklist in accordance with the requirements of Section 503. The preliminary plat shall be prepared by a registered engineer at a scale of not less than one hundred (100) feet per inch, and shall be on one or more sheets 24 x 36 inches in size. When preliminary plats are being submitted for development, the location of at least three (3) physical monuments shall be labeled as to their State Plane Coordinate position expressed in U.S. Survey Feet based upon NAD 83 KY South Zone and all parcel lines and street centerlines shall be geometrically tied to these monuments.

#### **502.442 Number of Copies**

The developer shall submit fifteen (15) copies of the preliminary plat with required construction drawings and supplementary information to the Codes Administrator for distribution to the Technical Advisory Committee (TAC) and the Planning Commission for review and recommendations and copies of construction plans to be submitted.

#### **502.443 Plat Review**

The TAC shall conduct a technical review of the plat and submit written comments to the Planning Commission at the Planning Commission work session. These comments will

focus on any concerns or conditions to be met in gaining approval that need to be addressed regarding the plat. The Planning Commission shall review the report of the TAC and shall receive additional information at its regular work session. The developer or an authorized representative shall be present at the meeting to answer questions or provide additional information. The intent of the work session is to generate discussion and provide pertinent information needed by the Planning Commission in their decision-making process. Any conditions to be met in gaining approval shall be met before the plat can be voted on, with any exceptions being determined by the Planning Commission. Final consideration of the proposed preliminary plat will normally be made during a Planning Commission business meeting (regular or special called). In determining whether a preliminary plat shall be approved, the Planning Commission shall consider the following:

- (1) Conformance with plat requirements.
- (2) Adequate infrastructure to support development, interconnection of proposed streets with existing or future streets, and location of all public and semi-public spaces and buildings to include parks, schools, homes, utilities, businesses and industries.
- (3) Distribution of population and traffic in a manner so as to create conditions favorable to health, safety, convenience, efficiency, sustainability, and the harmonious development of the community.
- (4) Comments from other agencies and officials. Notice shall be given to other local governments if the subdivision includes a street extending into their jurisdiction.
- (5) Comments expressed by the public at the Planning Commission meeting.
- (6) Conservation/protection of natural resources.

Regarding highway access, a preliminary plat may receive conditional approval pending receipt of an access permit from the state highway department (if applicable).

#### **502.444 Planning Commission Action**

Within sixty-five (65) days of the Planning Commission business meeting on the preliminary plat, the Commission shall make one of the following decisions; 1) approve the plat, 2) approve the plat subject to conditions, 3) disapprove the plat, unless such time is extended by agreement of the Planning Commission and the developer, or 4) postpone taking action for specific stated reasons up to thirty (30) additional days. If the Planning Commission finds that the preliminary plat does not meet the requirements of the regulations, it shall either disapprove the plat or conditionally approve the plat, subject to specified revisions being met within the 65 day period. Approval of the preliminary plat by the Planning Commission does not constitute final approval of the subdivision, but is merely an authorization to proceed with the preparation of the final plat and construction of public facilities. In the event of a disapproval or conditional approval of the preliminary plat, a statement in writing by the Planning Commission setting forth the reasons for disapproval or the conditions approval shall be entered into the records of the Planning Commission. Any conditions set for approval of the preliminary plat must be met within thirty (30) days of conditional approval pursuant to the bylaws of the Planning Commission.

#### **502.445 Effective Period of Approval**

At such time as a preliminary plat has been approved by the Planning Commission, one copy shall be returned to the developer for compliance with final approval requirements. Such approval shall be effective for one (1) year from the date of approval. During that time, the general terms and conditions under which the preliminary plat was granted will not be affected by any changes to these regulations. An extension of twelve (12) months may be granted provided the developer submits a written request to the Planning Commission and it is approved.

#### **502.446 Adjustment of Preliminary Plat Requirements**

The Planning Commission may waive a specific requirement of the plat requirements provided no waiver shall be granted which will have the effect of nullifying the intent and purpose of the regulations (see 502.1 (8)). Economic hardship shall not be deemed a sufficient basis for granting a waiver. In granting any waiver, the Commission shall attach such conditions as are necessary in its judgment to secure substantially the objectives of the requirements being adjusted.

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

#### **502.447 Amending the Preliminary Plat**

If the developer desires to make a substantial change in a preliminary plat that has been approved by the Planning Commission (such as in the number of lots, major realignment of streets, or use of previously dedicated property), an amended preliminary plat must be submitted in accordance with procedures previously described.

#### **502.55 Final Plat**

The final plat serves as a plat of record for public recording and transfer of land, and as a check to assure that subdivision requirements (including any conditions stipulated in the preliminary plat) have been met. The final plat shall conform substantially to the preliminary plat as approved, and it may constitute only a portion of the preliminary plat which the developer proposes to develop and record. No final plat shall be approved until at least twenty-eight days following the approval of the preliminary plat. No final plat will be reviewed by the Planning Commission at the business meeting until the following on-site improvements have been completed; 1) the roadbase, excluding the final 1 ½ inch surface coat, 2) waterlines, 3) sanitary sewers, 4) drainage structures, 5) soil erosion control measures, and 6) curbs and gutters. In addition, any required off-site improvements must be completed and as-built drawings provided. See appendix "G".

#### **502.551 Submittal**

Within one (1) year of approval of the preliminary plat, the developer shall file the final subdivision plat for review and action by the Planning Commission. Failure to submit the final plat within a year's time shall require re-approval of the expired preliminary plat. An extension

of one (1) year may be granted provided the developer submits a written request to the Planning Commission and it is approved.

The developer shall submit an application for final plat approval along with the plat requirements checklist to the Codes Administrator. At the time of filing, a non-returnable filing fee shall be paid according to the fee schedule. The final plat shall be prepared by a registered engineer or surveyor (as applicable), at a scale of not less than one hundred (100) ft. per inch on one or more sheets 24 x 36 inches in size. In addition to hard copies, all final plats are to be submitted in digital format for G.I.S. mapping purposes only as provided for in the Berea G.I.S. Guidebook.

#### **502.552 Number of Copies**

Fifteen (15) copies of the final plat, together with any street profiles or other plans that may be required, shall be submitted to the Codes Administrator.

#### **502.553 Plat Review**

The Technical Advisory Committee shall review the final plat as to computations, certifications, monuments, and related items, to insure that all required improvements have been completed to the satisfaction of City engineering standards. The TAC shall submit a written report to the Planning Commission for their consideration in reviewing the plat. In case a security bond, certified check, or irrevocable commercial letter of credit has been posted, the developer's engineer shall provide a detailed breakdown of the individual project development costs as well as the percentage of work completed on each improvement. The developer's engineer shall verify that the amount of the surety is sufficient to cover the cost of required improvements yet to be completed.

#### **502.554 Planning Commission Action**

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

**503 PLAT REQUIREMENTS**

The requirements for submission of preliminary (P), and final (F) plats are indicated on the requirements checklist that follows (X indicates not applicable):

**P F**

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| 1.  | Name of the subdivision/dev. plan, date, label, type, graphic scale, north arrow, north at the top (or within 90 degrees of the top of the page), acreage to be subdivided, current land use classification, and purpose.   | ζ ζ |     |
| 2.  | Name, address, and telephone number of the property owner, subdivider (if other than the owner), and developer; written permission by the owner of the land for <u>(name)</u> to represent the owner at the Planning Commission meeting.  | ζ ζ |     |
| 3.  | Name, address, and seal of the registered professional land surveyor or engineer responsible for preparation of the plat and supplementary  | ζ ζ |     |
| 4.  | Names of adjacent property owners of record (with deed book references) and abutting subdivisions and streets.  | ζ ζ |     |
| 5.  | Vicinity sketch map, at a scale of two thousand (2,000) feet per inch or greater, showing the subject property and surrounding land within within one-half (½) mile, and including existing roads with at least one intersection of common reference, scale, north arrow, and an outline of the subject property. Boundary lines and streets in adjacent subdivisions shall be shown, along with how they connect with streets in the proposed subdivision, to assure the most advantageous development. Existing schools, parks, shopping centers and other major facilities shall be shown. | ζ ζ |     |
| 6.  | The proposed subdivision shall be shown at a scale of not more than one hundred (100) feet per inch (except where sheet size is prohibitive). Boundaries of the tract will be drawn showing all bearings and distances.   | ζ ζ |     |
| 7.  | The plat will show physical features such as streams, ponds, wooded areas, existing structures, and sink holes.   | ζ ζ |     |
| 8.  | Existing topographic contours at an interval of not greater than five (5) feet shall be shown for the subject property. Where topographic conditions warrant, a contour interval of two (2) feet may be required. Contours shall be shown on all plats.   | ζ ζ |     |
| 9.  | If the property fronts on a state highway, obtain and submit with plat, a properly signed State Highway Encroachment Permit.  | ζ ζ | the |
| 10. | Location, dimensions, and names of existing streets, railroads, easements, municipal boundaries, or other public properties, and significant features shall be shown within and adjacent to the property, for a minimum distance of two hundred (200) feet.   | ζ ζ |     |
| 11. | Location and capacities (if applicable) of existing sewers, fire hydrants, water mains, storm drains, and power transmission lines.   | ζ ζ |     |
| 12. | Location, right-of-way, and pavement width of proposed streets; street lights, street signs, fire hydrants, utility and drainage easements laid out according to sound planning principles.   | ζ ζ |     |

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| 13. | Radii of streets, points of curvature, lengths of arcs  | ζ ζ |
| 14. | Street names selected so as not to duplicate any other streets in Madison County.   | ζ ζ |
| 15. | Layout of proposed parcels of land including dimension of lot lines, lot numbers, and front, side, and rear building setback lines. Lots or parcels shall be laid out according to sound planning principles.   | ζ ζ |
| 16. | Designation an acreage of all parcels and areas to be used for non-residential purposes, including parcels reserved or dedicated for public use and utility installations. All such parcels shall be assigned parcel numbers.   | ζ ζ |
| 17. | Location of monuments and pins which shall be placed at the intersection of street center lines, changes in street direction, and the intersections and angles of the subdivision boundary.   | ζ ζ |
| 18. | Note indicating the lot number and area in square feet of the smallest lot in the subdivision.  | ζ ζ |
| 19. | Subdivision plats being submitted for commercial or industrial development shall include additional information as requested by the Planning Commission.  | ζ ζ |
| 20. | Approval from the Kentucky Division of Water and the City of Berea prior to any construction or other activity in or along a stream that could in any way obstruct flood flows. Activities include reconstruction, fill, alterations of structures, and the like. No new residential structures may be constructed in a floodway, nor shall anything be placed in a floodway that will cause any rise in base flood elevations. | ζ ζ |

**SUPPLEMENTARY PLAT REQUIREMENTS**

The following items of information shall be submitted as a supplement to the plat and considered to be a part of the plat (as applicable).

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| 1. | A copy of the appropriate completed subdivision application form.   | ζ ζ |
| 2. | Description of physiographic characteristics to include soil types, slope, permeability rates, ground water, depth to bedrock, sinkholes, flood frequency.  | ζ ζ |
| 3. | Statement of deed restrictions and protective covenants, if any.  | ζ ζ |
| 4. | Typical street cross-sections showing roadbed construction, curbs, gutters, sidewalks, and relationship of underground utilities.   | ζ ζ |
| 5. | Plans for providing domestic water supply. The water system shall include a statement that there is an adequate water supply and pressure to support the proposed development.  | ζ ζ |
| 6. | Drainage/soil erosion control plan. The developer shall indicate (on a supplemental attachment) the plan for controlling drainage and soil erosion both during and upon completion of development. The location and specifications of such controls as silt fences, | ζ ζ |

staked hay bales, detention/retention ponds, etc. shall be shown. The drainage plan shall include contours, location and size of culverts, location and specifications for detention/retention ponds and other drainage structures, and calculations of runoff estimates before and after development. The plans require certification by a local representative of the Natural Resources Conservation Service Office. Erosion control measures are to be listed on the plat/plan and must be put in place in conjunction with initial site preparation activities.

7. Certification on the plat showing that streets and utilities have been approved by the appropriate agencies and conform to general requirements and minimum standards of design. Property fronting on a state or federal highway must receive approval from the State Highway Department for ingress and egress. ζ ζ
8. Certification on the plat showing that the applicant is the owner, and a statement by the owner dedicating street rights-of-way, and any other sites for public use. ζ ζ
9. Certification on the plat by the a professional surveyor licensed by the Commonwealth of Kentucky, as to the accuracy of the survey of plat. ζ ζ
10. Certification by a professional engineer licensed by the Commonwealth of Kentucky that all improvements have been constructed as shown on the final plat. Any differences from the final plat shall be reflected on a final set of as-built drawings. ζ ζ
11. Certification that the subdivider has complied with one of the following options: ζ ζ
  - a. All the improvements have been installed in accordance with the requirements of these regulations, or
  - b. A security bond, certified check, or irrevocable letter of credit has been posted with the Administrative Official in sufficient amount to assure such completion of all required improvements. The amount sufficient for completion shall be determined by the developer's engineer.
12. Certification on the plat by the Chairman of the Planning Commission that the plat has been approved for recording in the office of the County Clerk. ζ ζ

