

# ARTICLE 3

## PROCEDURES AND REQUIREMENTS

---

### SECTION 3.1 Subdivisions

The purpose of this section is to set forth procedures for the preparation, review, and approval of Subdivisions classified under Article 2 of these regulations. (See Exhibit 3-1)

A Topographic Survey shall be required for all Subdivisions (except Farm Plats and subdivision revisions that will not create additional lots). In addition, all Subdivisions containing any commercial/industrial uses or more than four (4) non-agricultural Lots shall require a Drainage Plan. Any Subdivision of land in an agricultural zoning district shall only require a Topographic Survey unless special circumstances require a full Drainage Plan. At a minimum, reference to a Federal Emergency Management Agency flood insurance rate map and a Topographic Survey (at least USGS 7.5 minute series topographic quadrangle map showing the relationship of the proposed Subdivision) will be required. See Sections 4.3 and 4.5 for details. City or County requirements may be more restrictive and must also be addressed.

A Traffic Impact Study (TIS) shall be submitted if the Planning Commission staff determines that the development site 24 hour trip generation is above 500 ADT; or the site peak hour trips are above 100 trips per hour; and no traffic analysis has been completed for the site within the last three (3) years. See Section 4.6 for details. If a project is to be phased, and total build-out will raise the site 24 hour trip generation above 500 ADT; or the site Peak Hour trips above 100 trips per hour a TIS will be required, unless specified elsewhere in these regulations. Phasing with the intent to circumvent these regulations is strictly prohibited. City or County requirements may be more restrictive and must also be addressed.

- A. **PRE-APPLICATION CONFERENCE** – Any Developer desiring to subdivide property should contact the Planning Commission and make an appointment for a pre-application conference. A Sketch Plan showing the location of the property, surrounding area, and the proposed development activities shall be submitted to the Planning Commission at least 24 hours in advance. The purpose of the pre-application conference is to discuss the compliance with the Comprehensive Plan, Zoning Ordinance, the Subdivision Regulations and any Binding Elements or Deed Restrictions. Fees, requirements and procedures related to the development of the property will be established. This conference is intended to identify immediate or potential problems and avoid time-consuming and expensive rework.

Exhibit 3-1

- B. **APPLICATION** - Following the pre-application conference, the Developer may schedule an appointment to submit an application for Subdivision including a Preliminary Lot Layout, a Topographic Survey or Drainage Plan (if required) and any Plat Restrictions. The application shall be in the form as prescribed by the Planning Commission. Fees established at the Pre-application conference will be paid at the time of application. The fees required will be posted at the Planning Commission office and are payable by cash, check, or money order. The fees are non-refundable. The Preliminary Lot Layout and Drainage Plan (if required) should conform to the content requirements set forth in Article 4 of these regulations.
- C. **NOTIFICATION LETTER** - If deficiencies are found, a letter advising the applicant of an incomplete application and what must be done to complete the application will be sent to the applicant by the Planning Commission staff.
- D. **PUBLIC NOTICE** - Within seven (7) days of determination of completeness of the application, a notice of the filing of the Subdivision shall be advertised in a newspaper of regular issue, with the largest bona fide circulation in Warren County. The Planning Commission will receive written comments on the proposed Subdivision for five (5) days following the publication. An example of the notice appears below.

**NOTICE**  
**CITY-COUNTY PLANNING COMMISSION**  
**OF WARREN COUNTY, KENTUCKY**

The following Subdivision has been filed for preliminary approval with the City-County Planning Commission. The Planning Commission Director may receive written comments from the general public for a period of five (5) days from the date of publication. (Owner's/Developer's Name) has filed a Subdivision entitled (Name of Subdivision) located on (Address of Subdivision), (distance) feet from (adjacent street).

Subdivision revisions that will not create an additional lot(s) will not require Public Notice.

- E. **DISTRIBUTION AND REVIEW** - The Planning Commission will distribute the Preliminary Lot Layout and Topographic Survey or Drainage Plan (if required) to relevant agencies, such as the utility companies, health department, responding fire department, Natural Resources Conservation Service and city or county Engineer, and will solicit comments on the proposed Subdivision. The Planning Commission Director will also review the Preliminary Lot Layout and Topographic Survey or Drainage Plan (if required) to determine if the proposed Subdivision conforms to the Comprehensive Plan of Warren County, Zoning Ordinance, these Subdivision Regulations, Storm Water Management Program, and any recorded development plan and Binding Elements. If no Public Improvements are proposed, then a limited number of agencies will be given plans for their review.

- F. **PLANNING COMMISSION REVIEW AND ACTION** - The Planning Commission Director or the Developer may request a review by the Planning Commission at one of their regularly scheduled meetings. Within 30 days, the Director, or within 30 days after their regularly scheduled meeting review, the Commission shall in writing take one of the following actions on each application:
1. **PRELIMINARY PLAN APPROVAL** - After the Planning Commission's Executive Director has given preliminary plan approval; one (1) set of the required materials will be returned to the Developer along with a written notice of the action, and a land use certificate will be recorded at the County Clerk's office by the Planning Commission. Preliminary plan approval grants the Developer five (5) years to submit Construction Plans and the Final Plat for all property shown on the Preliminary Lot Layout. If the five (5) year period for filing the Final Plat elapses, the Developer must resubmit the Preliminary Lot Layout and Drainage Plan, application, and fees for preliminary plan re-approval. The Planning Commission Executive Director may give special consideration, which may include a time extension, for large scale projects that have demonstrated continuous construction progress throughout the approval period. Applications with no Public Improvements may submit the Final Plat immediately for review.
  2. **CONDITIONAL PRELIMINARY PLAN APPROVAL** - The Developer must make all corrections to the Preliminary Lot Layout and Drainage Plan as requested by the Planning Commission Executive Director. After corrections are made then preliminary plan approval shall be granted as outlined above.
  3. **DISAPPROVAL** - The Preliminary Lot Layout and Drainage Plans are not acceptable. For further action, the Developer must make all changes and resubmit the application, Preliminary Lot Layout, Drainage Plan, and fees.
- G. **LEGISLATIVE BODY REVIEW** - Following preliminary plan approval, the Preliminary Lot Layout and Drainage Plans will be submitted to the applicable jurisdiction for their consideration. The Legislative Body will determine if dedications of any public lands, streets, Alleys, etc. would be beneficial to the public interest and suitable for immediate or future acceptance if constructed to current standards. If no Public Improvements are proposed, then this step is eliminated.
- H. **PHASING** – After preliminary plan approval, the Developer may prepare Construction Plans for a portion of the project or the entire project. The section to be completed will be submitted, and Construction Review fees will be paid prior to beginning construction. After construction is complete or surety is posted, the approved Plat will be filed for the current portion of the project. Additional sections may be prepared, Construction Plans submitted and fees

paid for each section until the expiration of the preliminary approval. All sections shall substantially agree with the filed preliminary plans and shall function within the original concept of the Subdivision or a new preliminary approval must be obtained.

- I. **CONSTRUCTION PLAN AND FINAL PLAT SUBMITTAL** – The Final Plat (plus two copies at a minimum) and Construction Plans (four copies at a minimum) can be submitted for final review.
  1. **CONSTRUCTION PLANS** - All Construction Plans shall be prepared in accordance with Article 4 of these regulations. The Construction Plans consist of a Public Improvements plan, engineering plans and data for all Improvements. The Public Improvements plan consists of a Joint Utility Plan Sheet and any other supporting drawings that show the location and general construction details for all Public Improvements. The plan must contain completed signoff blocks for all affected utilities (public and private) that will be using Easements on the property. The Construction Plans shall include detailed Construction Plans for Improvements to be developed within the Subdivision, such as streets (Private or public), storm drainage, gas, sanitary sewers, water supply, electrical distribution, telephone, communications and any other public facilities.
  2. **FINAL PLAT** - The Final Plat shall be prepared in accordance with Article 4 of these regulations. A Final Plat serves two purposes:
    - a. The Final Plat is a Plat of record containing such information as is necessary for the public recording and transfer of land including but not limited to Lot lines, Easements, and restrictions.
    - b. The Final Plat provides evidence of conformance with the Preliminary Lot Layout and Construction Plans. The approval of a Final Plat authorizes the Planning Commission to record the Subdivision Plat at the Warren County Clerk's office and allows the Developer to offer Lots for sale.
- J. **PLANNING COMMISSION REVIEW AND ACTION** - The Final Plat and Construction Plans will be reviewed for compliance with the approved preliminary plans. The Construction Plans will be reviewed for compliance with all applicable standards and requirements. Within 30 days the Planning Commission Director shall in writing take one of the following actions on the Construction Plans and final Lot layout:
  1. **FINAL APPROVAL** - The Developer is permitted to proceed with the construction process and the preparation of the Recording Plat. After the Planning Commission's Director has given final approval, one (1)

set of the required materials will be returned to the Developer along with a written notice of the action.

2. **CONDITIONAL FINAL APPROVAL** - The Developer must make all corrections to the Construction Plans and Final Plat as requested by the Planning Commission Director. After corrections are made then final approval shall be granted as outlined above.
  3. **DISAPPROVAL** - The Construction Plans and Final Plat are not acceptable. For further action, the Developer must make all changes and resubmit the application, Final Plat, Construction Plans, and fees. The Developer will be notified.
- K. **PRE-CONSTRUCTION CONFERENCE** - After final approval of the Final Plat and Construction Plans has been obtained and before starting construction, the Developer and his contractor shall be required to schedule a pre-construction conference with the Planning Commission Director or Staff Engineer. The Erosion control plan shall be implemented prior to any construction activity. Approval from the Kentucky Division of Water must be received prior to construction of water and sewer facilities. The Developer or contractor shall be prepared to outline all proposed construction operations and procedures as presented on the Final Plat and in the Construction Plans. If the Final Plat and Construction Plans were given conditional final approval, the Developer must show that the conditions have either already been met, or give assurance that the contractor will meet the conditions during construction. The Developer will be informed of other regulations applicable to his proposed Subdivision. All review fees shall be paid prior to commencement of construction.
- L. **COMPLETION OF PUBLIC IMPROVEMENTS** - If all Public Improvements are not completed before the recordation of the Final Plat, the Planning Commission shall enter into a contract for the satisfactory completion of all Improvements with the Developer. All Drainage Structures must be installed and protected at least by temporary Erosion Protection prior to recordation of the Final Plat. All required sidewalks shall be contracted for and surety in place prior to recordation. A separate contract and surety may be provided for the construction of the sidewalks.
- M. **CONTRACT** - The contract shall specify a surety in an amount that will be sufficient to pay the entire cost of installing the Improvements set forth in the Construction Plans and related documents as determined by the Planning Commission.
- N. **ACCEPTABLE SURETIES** - To secure the proper completion of all Public Improvements, the Developer shall provide, subject to the approval of the Planning Commission, one of the following sureties in an amount equal to the

cost of the Improvements plus fifteen (15) percent, as set forth in the construction contract.

1. **CORPORATE SURETY BOND** - If the Developer chooses to provide a Corporate Surety Bond, then it shall be from an insurance company authorized to do business in the Commonwealth of Kentucky. The bond shall be in the form of a payment and performance bond, Subdivision bond, or such other form as shall be satisfactory to the Planning Commission. If the Developer has employed a contractor to construct all Improvements as provided herein, the Planning Commission may accept the payment and performance bond of such contractor as surety for the performance of the construction contract. The Corporate Surety Bond shall provide the Planning Commission as a named obligee. The bond should clearly establish that it acts as a surety for the construction contract. The payment and performance bond shall specifically name the Improvements set forth in the construction contract.
  2. **CASH SURETY** - If the Developer chooses to provide a Cash Surety, then cash or other instruments readily convertible to cash shall be deposited in a separate Subdivision Surety account of the Planning Commission.
  3. **LETTER OF CREDIT** - The City County Planning Commission will accept the posting of an approved letter of credit as surety for the timely and satisfactory completion of public improvements in a subdivision in order that the subdivision may be recorded in an expeditious manner. The Developer may provide, as surety for the performance of the contract, a Letter Of Credit, from a financial institution acceptable to the Planning Commission. The Letter Of Credit shall be delivered in a form acceptable to the Planning Commission. The Letter Of Credit shall state that the amount is equivalent to the contract amount. The Letter Of Credit shall also state, that upon the failure by the Developer to complete the Improvements within the required time period, the financial institution shall pay the Planning Commission, immediately, and without further action, such funds as are represented, in the Letter Of Credit. The original Letter of Credit will be for a one year period. If requested the letter of credit may have two extensions, for a minimum period of one year. This will allow three years for the completion of the public improvements in the recorded subdivision. The Commission will continue to provide one, non-certified notice of intent to call the Letter of Credit to the Developer and to the institution which issued the Letter of Credit. Any Letter of Credit which has not been released or had documentation submitted for an extension prior to the morning of the expiration date shall be called and converted to a cash surety. The Developer or the institution must submit the new Letter of Credit to the Planning Commission by 4:00 p.m. on the last working day prior to the expiration date on the face of the original Letter. The Planning Commission will operate a separate bank account for cash surety. The cash surety shall be used by the Commission to pay for the timely and satisfactory completion of all public improvements called for in the subdivision or shall be refunded to the Developer if he satisfactorily completes the project. The Developer will be required to sign a certification acknowledging and accepting these policies at the pre-construction conference or any time prior to posting a Letter of Credit.
- O. **REDUCTION OF CONTRACT SURETIES** - The Developer may request a reduction of the surety. If progress has been made on the completion of Improvements, the Planning Commission Director may at his sole discretion authorize the reduction of the surety. The construction must be completed as provided in the construction contract and the Subdivision Regulations and in a manner satisfactory to the Planning Commission. The surety for the construction of sidewalks may only be reduced once per year. The following conditions must be satisfied for contract surety reduction:
1. **APPLICABLE SURETY** - The surety for the performance of the contract must have been a Letter Of Credit or Cash Surety;

2. **AMOUNT OF INITIAL SURETY** - The initial surety is for an amount greater than ten thousand dollars (\$10,000.00);
3. **WRITTEN REQUEST** - The Planning Commission shall require a request for a reduction. The request must be made in writing and signed by the Developer. The request must include the following:
  - a. The name of the project
  - b. The person who prepared the Subdivision plans
  - c. The contractor completing the Improvements
  - d. A detailed list of Improvements completed
  - e. A detailed list of Improvements remaining to be completed
  - f. An itemized list of the value of the Improvements remaining to be completed
  - g. An itemized list of the value of the Improvements completed
  - h. A certification of the Engineer who designed the project that the detailed Improvements have been completed, and for which the reduction of the contract surety is requested, in accordance with the approved Subdivision plans specifications.

4. **DETERMINATION OF SURETY REDUCTION** - If the Planning Commission authorizes the reduction of the amount of the contract surety, the reduction shall be based upon the following formula:

$$\text{New Bond} = \text{Total Value of Uncompleted Work} + 15\%$$

Under no circumstances shall the total amount of any reduction approved by the Planning Commission Director reduce the non-cash contract surety to an amount below ten thousand dollars (\$10,000.00). Cash Surety may be reduced to an amount of one thousand five hundred dollars or value (as computed by Planning Commission) of uncompleted work plus fifteen percent whichever is greater.

- P. **DEFAULT** - If the Improvements are not completed within three (3) years from the date of Final Plat approval, the construction contract as provided in this Article shall be in default, and the Planning Commission may proceed against the Developer and its surety for performance. Sidewalk construction must be completed within four (4) years from the date of recording the Plat and posting surety for their construction.
- Q. **RELEASE** - Upon completion of the Improvements as provided in these regulations, the Planning Commission shall terminate the construction contract and release its surety.
- R. **ACCEPTANCE AND MAINTENANCE OF IMPROVEMENTS** - Any street or other public land dedicated shall be accepted for maintenance by the appropriate Legislative Body after it has received Final Plat approval by the

Planning Commission. Any street built in accordance with specific standards set forth in these regulations or by ordinance shall be accepted for maintenance by the appropriate Legislative Body after inspection, final approval, and submission of "As-built" plans.

- S. **RECORDING PLAT** - The Recording Plat shall be prepared in accordance with Article 4 of these regulations. After it has been determined that the Recording Plat conforms with the approved Final Plat and Construction Plans, and the Improvements have been completed or contracted and surety posted, the Planning Commission shall record the Subdivision Plat at the Warren County Clerk's office and allow the Developer to offer Lots for sale.

### **Section 3.2 Non-Conforming Lots of Record**

The purpose of this section is to set forth procedures for the preparation, review, and approval of Subdivisions classified as Non-Conforming Lots of Record under Article 2 of these regulations. See Exhibit 3-2.

- A. **PRE-APPLICATION CONFERENCE** - Anyone desiring to record a Plat of property should contact the Planning Commission Director or his designee and make an appointment for a pre-application conference. A Sketch Plan shall be presented at this conference and must show the location of the property, surrounding area, general topography (at least USGS 7.5 minute series topographic quadrangle map showing the relationship of the proposed Subdivision), and the proposed development activities. The purpose of the pre-application conference is to discuss the Subdivision regulations, fees, procedures, and pertinent issues related to the development of the property. This conference is intended to identify immediate or potential problems and avoid time-consuming and expensive problems.
- B. **APPLICATION** - Following the pre-application conference, the applicant shall submit the original Recording Plat and the required fees. The fees will be posted at the Planning Commission offices and are payable by cash, check, or money order. The fees are nonrefundable. The Recording Plat shall conform to the content requirements set forth in Article 4 of these regulations.
- C. **STAFF REVIEW AND ACTION** - The primary focus for the final review is the determination of conformance with all applicable rules and regulations of the Planning Commission. The following actions by the Planning Commission Director shall be defined as follows:
  - 1. **FINAL APPROVAL** - The Recording Plat meets all requirements of these regulations and the Planning Commission Director approves the Plat. A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director or Assistant Director.

2. **DISAPPROVAL** - The Recording Plat fails to meet the necessary requirements. The Planning Commission shall notify the Developer in writing of the disapproval and shall state the changes that will render the Recording Plat acceptable. Within thirty (30) days of the disapproval, the Developer may appeal the decision of the Planning Commission Director to the Planning Commission, provided the appeal is in writing and signed by the Developer and states the basis for the appeal. The appeal shall be filed no later than ten (10) days prior to the Planning Commission meeting at which it is to be heard.
- D. **RECORDATION OF PLAT** - After approval by the Planning Commission Director or his designee, the Recording Plat shall be recorded in the Warren County Clerk's office at the Developer's expense. The Developer may request a specific date for the Recording Plat to be recorded after approval and that request will be accommodated as staffing permits.

### Section 3.3 Farm Plats

The purpose of this section is to set forth procedures for the preparation, review, and approval of Subdivisions classified as Farm Plats under Article 2 of these regulations.

- A. **PRE-APPLICATION CONFERENCE** - Anyone desiring to record a Plat of property should contact the Planning Commission Director or his designee and make an appointment for a pre-application conference. The purpose of the pre-application conference is to discuss the Subdivision regulations, fees, procedures, and pertinent issues related to the development of the property. This conference is intended to identify immediate or potential problems and avoid time-consuming and expensive problems.
- B. **APPLICATION** - Following the pre-application conference, the applicant shall submit the original Recording Plat and the required fees. The fees will be posted at the Planning Commission offices and are payable by cash, check, or money order. The fees are nonrefundable. The Recording Plat shall conform to the content requirements set forth in Article 4 of these regulations.
- C. **STAFF REVIEW AND ACTION** - The primary focus for the final review is the determination of conformance with all applicable rules and regulations of the Planning Commission. The following actions by the Planning Commission Director shall be defined as follows:
1. **FINAL APPROVAL** - The Recording Plat meets all requirements of these regulations and the Planning Commission Director approves the Plat. A certification of approval shall be stamped on the Recording Plat and affixed with the signature of the Planning Commission Chairman, or Vice-Chairman and Director or Assistant Director.

2. **DISAPPROVAL** - The Recording Plat fails to meet the necessary requirements. The Planning Commission shall notify the Developer in writing of the disapproval and shall state the changes that will render the Recording Plat acceptable. Within thirty (30) days of the disapproval, the Developer may appeal the decision of the Planning Commission Director to the Planning Commission, provided the appeal is in writing and signed by the Developer and states the basis for the appeal. The appeal shall be filed no later than ten (10) days prior to the Planning Commission meeting at which it is to be heard.
- D. **RECORDATION OF PLAT** - After approval by the Planning Commission Director or his designee, the Recording Plat shall be recorded in the Warren County Clerk's office at the Developer's expense. The Developer may request a specific date for the Recording Plat to be recorded after approval and that request will be accommodated as staffing permits.

Exhibit 3-2  
PLAT REVIEW FLOWCHART