

**CHAPTER 155: SUBDIVISION REGULATIONS**

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## **GENERAL PROVISIONS**

### **§ 155.01 PURPOSE.**

These subdivision regulations are designed to encourage the development of residential commercial, and industrial subdivisions according to recognized standards which provided for sound, efficient, and economical development; to provide for safe, convenient, and efficient traffic circulation; to coordinate land development to insure that future growth will be orderly and conducive to the provision of minimum outlay of public and private expenditures in providing services to developing areas; to minimize fire hazards; to provide for adequate light and air in habitable structures; and to provide sound and efficient guidelines for the overall development of the area where these subdivision regulations are in force.

(Ord. 682, passed 2-22-79)

### **§ 155.02 SHORT TITLE.**

The full title of these subdivision regulations shall be "The Land Subdivision Regulations of Murray, Kentucky." The short title of these regulations shall be known, and may be cited as the subdivision regulations.

(Ord. 682, passed 2-22-79)

### **§ 155.03 AUTHORITY AND ADMINISTRATION.**

These regulations are adopted by the Planning Commission and the Council under the authority granted by KRS Chapter 100. The regulations shall be administered by the Planning Commission and the staff of the Commission.

(Ord. 682, passed 2-22-79)

### **§ 155.04 AREA OF JURISDICTION.**

The Murray Planning Commission, by virtue of adoption of these regulations, shall have jurisdiction and control over the subdivision of all land within the city and within the unincorporated area adjacent to the city for a distance of four miles from the intersection of Twelfth Street and Main Street.

(Ord. 682, passed 2-22-79)

#### ***Statutory reference:***

*Area of jurisdiction, see KRS 100.131*

### **§ 155.05 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"ACCESS."** A point at which provisions are made for vehicular entrance to or exit from a street to or from a lot or other street.

(1) **"LIMITED ACCESS."** Access which is provided only at specific intervals, provided for in the design of a street, usually a street interchange or an intersection of major arterials.

(2) **"CONTROLLED ACCESS."** Access which is given at certain points designated by the Planning Commission. These points of access are usually to marginal access streets or collector streets intersecting an arterial street.

**"ACCESSORY STRUCTURE."** Any structure other than the principal structure, and detached therefrom by a reasonable distance, directly incidental to or required for the enjoyment of the permitted use of any premises; also, as specifically designated under the zoning district regulations.

**"ACCESSORY USE."** Any use, other than the principal use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations.

**"ADMINISTRATIVE OFFICER."** The Administrative Officer is that individual appointed by the Mayor and approved by the Council to administer the zoning code. He may be known as the Building Inspector, Codes Enforcement Officer, Codes Administrator, Zoning Administrator, or various other titles descriptive of his work unless otherwise stated in this chapter or any other ordinance.

**"BLOCK."** A tract of land enclosed by streets. The length of a block is measured between right-of-way lines of the through-streets that intersect the streets running along one side of the block. The length of a block is the greatest distance between streets on opposite side of the block.

**"BUILDING."** Any structure constructed or used for residence, business, or industry, or other public or private purpose, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, trailer coaches, billboards, signs, fences, and similar structures, whether stationary or movable.

**"BUILDING PERMIT."** A permit issued by the Administrative Officer allowing a property owner or his agent to construct, alter, or remove a building or engage in similar activity which would alter the character of the lot in question.

**"BUILDING, PRINCIPAL."** A building, including covered porches, carports, and attached garages in which is conducted the

principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be the principal building on the lot on which same is situated.

**"CERTIFICATE OF OCCUPANCY."** A certificate issued by the Administrative Officer after building has taken place which certifies that the building meets minimum standards for human occupancy.

**"LOT."** A piece, parcel or plot of land occupied by or to be occupied by one principal building and its accessory buildings and including the open spaces required under this regulation, and having its principal frontage on a street.

(1) **"CORNER LOT."** A lot which abuts on two intersecting streets at their intersection.

(2) **"DOUBLE-FRONTAGE LOT."** Any lot other than a corner lot which abuts on two streets.

**"MOBILE HOME."** Any portable or mobile vehicle used or designated to be used for living purposes, whether or not its wheels, rollers, or skids are in place.

**"MOBILE HOME PARK."** A tract of land on which two or more mobile homes are located.

**"MAJOR SUBDIVISION."** The subdivision of land into six or more lots which does not require the construction, improvement, and widening of streets; or the major construction of utility lines and other public services.

**"MINOR SUBDIVISION."** The subdivision of land into five or less lots which does not require the construction, improvement, and widening of streets; or the major construction of utility lines and other public services.

**"MINOR PLAT."** The plat of a minor subdivision.

**"MULTI-BUILDING DEVELOPMENT."** Multi-building development is the construction of two or more buildings on a single plot of ground which is under single ownership, and which will not be divided and sold into smaller parcels.

**"SUBDIVISION."** The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land, providing that a division of land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

**"STREET."** A way set aside for vehicular traffic, regardless of size or designation, but excluding private driveways serving only one parcel of land.

(1) **"ALLEYS."** Streets used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.

(2) **"ARTERIAL STREETS."** Streets designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic.

(3) **"COLLECTOR STREETS."** Streets which carry or will carry intermediate volumes of traffic from minor streets to arterial streets.

(4) **"CUL-DE-SACS."** A minor street which has only one outlet to other streets; a street which dead-ends.

(5) **"MARGINAL ACCESS STREETS."** Streets parallel to and adjacent to arterial streets and which serve to reduce the number of access points to the arterial streets.

(6) **"MINOR STREETS."** Streets used or will be used primarily for access to abutting properties and which carry or will carry limited volumes of traffic.

(Ord. 682, passed 2-22-79)

## **§ 155.06 GENERAL REQUIREMENTS.**

The Planning Commission shall impose the following general requirements and compel all subdividers to comply with the following principles of design in the layout of subdivisions:

(A) Suitability of land for subdivision.

(1) Land not suitable for development.

(a) Flood hazards. Land within the floodway shall not be platted for residential occupancy or building sites. Other land subject to flooding may be platted for residential occupancy or for such other uses which will not increase the danger to health, life and property. Fill may not be used to raise land in the floodway areas except where express permission has been granted by the Planning Commission. In other areas subject to flood, fill may be used providing the proposed fill does not restrict the flow of water and unduly increase flood heights. In applying this provision land below the elevation of the Regional Flood (Regulated) on the East Fork Clarks River shall be considered subject to flood. The elevation of this flood shall be determined from the chart, "Natural and Regulated High Water Profiles, East Fork Clarks River, Vicinity of Murray, Kentucky" (Tennessee Valley Authority, October, 1968), which chart is made a part of these regulations. Areas included in the floodway are as shown on the map. "Floodway, East Fork Clarks River, Vicinity of Murray, Kentucky" (Tennessee Valley Authority, November, 1968).

(b) Other conditions. If the Planning Commission finds that land proposed to be subdivided is unsuitable for subdivision development due to bad drainage, steep slopes, rock formations, and other such conditions as may increase the danger of health, life, or property, or aggravate erosion or flood hazards; and, if from adequate investigations, conducted by all the public agencies concerned, it has been determined that in the best interest of the public the land or a portion thereof not be platted and developed for the purpose proposed, the Planning Commission shall not approve the land or portions thereof for subdivision.

(2) Premature development. The Planning Commission may refuse to approve what it considers to be scattered or premature subdivision of land which would involve danger or injury to the public health, safety, welfare, or prosperity by reason of lack of adequate water supply, schools, proper drainage, good roads and transportation facilities, or other public services; or which would necessitate an excessive expenditure of public funds for the supply of such services.

(B) Community assets. In all subdivisions, due regard shall be shown for natural features such as large trees, unusual rock formations, and water courses; for sites which have historical significance; and for similar assets which if preserved will add attractiveness and value to the subdivision and to the community. The Planning Commission may prepare a list of all such features within its area of subdivision jurisdiction which it deems worthy of preservation.

(C) 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 future streets and logical resubdivision.

(D) Mobile home parks. Mobile home parks must conform to:

(1) Statutory requirements.

(2) Design requirements as set forth in the zoning code.

(3) The procedure for plat approval for a mobile home park is the same as subdivision, and to be according to §§ 155.40 through 155.50.

(E) Multi-building development.

(1) Compliance with this regulation. Where multi-building development occurs, the developer must establish lot lines for each principal building and lot. The developer must establish setback lines to meet all other requirements of this regulation and the zoning code where applicable. Preliminary and final plats shall be presented to the Planning Commission in accordance with this regulation.

(2) Variance. A variance from this chapter may be granted for multi-building development if it is shown that the land in question can not be subdivided or that more open space is created, a lower density can be established, traffic problems are lessened, and a better relation between land and building is created by not subdividing the land. However, in no case shall the Planning Commission grant a variance which does not comply with the zoning code, where applicable, or which destroys the character of the neighborhood.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

## MINIMUM DESIGN STANDARDS

### § 155.10 STREETS.

The design of a subdivision shall conform to the following design standards:

(A) Conformity to the major street plan. The width and locations of all streets in a proposed subdivision will conform to the Major Street Plan.

(B) Relation to topography. Streets shall be designed with respect to topography to produce the most usable and properly situated lots, provide proper drainage for storm water, and produce proper grades.

(C) Street extensions.

(1) Extension of present streets. The street layout of the proposed subdivision shall provide for the continuation or extension of streets already existing in areas adjacent to the area being subdivided unless the Planning Commission deems such continuation or extension undesirable for specific reasons of topography or design.

(2) Extension of proposed streets. Where, in the opinion of the Planning Commission, it is desirable to provide street access to adjoining properties, proposed streets shall be extended by dedication to the boundaries of such properties. Where the Planning Commission deems it necessary, such dead-end streets shall be provided with a temporary turn-around having a radius of at least 40 feet.

(3) Required width. The street system for the proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

(D) Dedication of right-of-way.

(1) New streets. The dedication of rights-of-way for new streets measured from the lot line to the lot line shall be as shown on the General Plan, or if not shown thereon, shall meet the following standards.

Street Type   Right-of-Way (Feet)

Arterial streets   80

Collector streets   60

Minor streets - through streets   50

Minor streets - local streets

(cul-de-sacs less than 400

feet with only single dwell-

ing units and loop streets

"off collectors less than

2,000 feet around" with only

single family dwelling units)   50

(2) Maximum dedication. The Major Street Plan may indicate greater right-of-way widths for certain arterial streets, but in no case shall the subdivider be required to dedicate a right-of-way width of more than 80 feet for any one street.

(3) Arterial streets with controlled access. All streets classified as arterial streets by the General Plan may be considered as limited access in accordance with KRS 177.220 through 177.310, defined herein as controlled access. All points of access shall be as approved by the Planning Commission.

(4) Marginal access streets. Where the proposed subdivision abuts upon or contains an existing or proposed arterial street or highway on which traffic volumes and vehicular speeds warrant special safety considerations, the Planning Commission may require that marginal access streets be provided in order that no lots will front on such existing or proposed arterial street or highway.

(5) Dead-end streets (cul-de-sacs). Minor terminal or dead-end streets or courts which are designed so as to have one end permanently closed shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having a radius at the outside of the right-of-way of at least 50 feet.

(6) Alleys. Alleys shall be provided to give access to the rear of all lots used for business and industrial purposes. Alleys shall not be provided in residential blocks except in cases where the subdivider produces evidence of the need for alleys which is satisfactory to the Planning Commission.

(7) Existing streets.

(a) Subdivision on both sides of street. Where the subdivision is on both sides of an existing street, sufficient right-of-way shall be dedicated to give the street the required right-of-way.

(b) Subdivision on one side of street. Where the subdivision is to take place on only one side of a street, one-half of the right-of-way needed to give the street the required right-of-way shall be dedicated.

(8) Increased right-of-way necessary. If the Planning Commission deems it necessary, street rights-of-way through commercial zones or present on proposed business areas shall be increased ten feet on each side for needed parking.

(9) Extraordinary physical conditions. If the Planning Commission deems it necessary where extraordinary physical conditions exist, the Planning Commission may alter the right-of-way requirements.

(10) Streets along property lines. Where a proposed street runs along a property line of the proposed subdivision, the street right-of-way, pavement, and other requirements must be met in full.

(11) Conflicting traffic or land use. When a proposed subdivision contains or is adjacent to existing or proposed railroad rights-of-way, arterial street right-of-way, other significant rights-of-way, or conflicting and detrimental land uses; the Planning Commission may require marginal access streets, reverse frontage lots, lots with rear service alleys, lots with additional depth, or other measures which may be necessary for protection of abutting properties and the maintenance or function of major traffic arteries.

(E) Private streets and reserve strips.

(1) There shall be no private streets platted within a subdivision.

(2) There shall be no reserve strips in a subdivision except where their control is definitely vested in the city or county under conditions approved by the Planning Commission as authorized in these regulations.

(F) Street intersections.

(1) Number of approaches. Intersections involving more than four basic street approaches shall be prohibited. Merging lanes and deceleration lanes are considered as parts of one street approach.

(2) Angle at intersection. For a tangent distance of at least 100 feet, measured from the intersection of right-of-way lines, all streets should intersect at an angle of 90 degrees. In no case shall the angle of intersection be less than 75 degrees.

(3) Radii at intersection. Street curb and edge intersections shall be rounded by radii of at least 20 feet.

(4) Street jogs. Street jogs with center line offsets of less than 150 feet shall not be made.

(G) Horizontal curves.

(1) Reverse curves. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

(2) Curve radius. Where there is a deflection angle of more than ten degrees in the alignment of a street, a curve with a radius adequate to insure safe sight distance shall be made. The minimum radii of curves shall be:

<i>Street Type</i>	<i>Minimum Curve Radius (Feet)</i>
Arterial	300
Collector	300
Minor	100

(H) Vertical curves.

(1) All changes in grade for streets shall be connected by a vertical curve of a minimum length necessary to provide adequate sight distance and other safety factors.

(2) To calculate the minimum length for the curve connecting changes in grade:

(a) Calculate the algebraic difference in grades.

(b) Multiply by the appropriate value.

Values for Arterial and collector 50

crest curve streets

Minor streets 28

Values for Arterial and collector 50

sag curve streets

Minor streets 35

(I) Street grades.

(1) Maximum grades. Street grades shall conform to the following:

	Percent Grade	
	Allowable	Desirable
<u>Street Type</u>	<u>Maximum</u>	<u>Maximum</u>
Arterial	5	4
Collector	7	5
Minor	12	8

(2) Grades for drainage. All streets shall be designed so as to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. For adequate drainage, the minimum street grade shall not be less than one-half of one percent.

(3) Excessive grades at intersections. When a street grade at the approach to an intersection exceeds three percent, a leveling area shall be provided with grades of not greater than three percent for a distance of 50 feet from the intersection of street center-lines. Vertical curves shall then be used to connect the intersecting grades.

(J) Street elevations.

(1) Streets shall be flood free. The Planning Commission shall not approve streets which will be subject to inundation or flooding. All streets must be located at elevations which will make them flood free in order that portions of the subdivision will not be isolated by floods. Where flood conditions exist, the Planning Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity.

(2) Fills. Fill may be used in areas subject to flooding in order to provide flood-free streets if such fill does not unduly increase flood heights. Drainage openings shall be designed as not to restrict the flow of water and thereby unduly increase flood heights. Such fills and openings shall be approved by the City Engineer.

(K) Access to lots.

(1) Lots on or near arterial streets. Access to lots abutting only on arterial rights-of-way shall conform to § 155.10 (D) (3) but in no case shall the access be closer than 125 feet from an intersection. A lot which abuts a street which intersects an arterial shall have access only to the nonarterial street at a distance of not less than 75 feet from the intersection.

(2) Lot on or near collector streets. A lot which abuts only on a collector shall have access to the lot at a distance not less than 75 feet from an intersection. A lot which abuts a minor street which connects with a collector shall have access to only the minor street at a distance not greater than 50 feet from the collector.

(3) Minor streets. Lots which abut only on minor streets shall have access at a distance not greater than 50 feet from an intersection. Lots that abut on a cul-de-sac shall have access only to a cul-de-sac.

(4) Marginal access streets. Lots abutting on marginal access streets shall have access at a distance no greater than 75 feet from an intersection. If a lot abuts both an arterial street or collector and a marginal access street, access shall be given only along the marginal access street.

(5) Alleys. All nonresidential lots may have access to an alley, except that an alley cannot be used as the primary access point to a commercial or industrial use or other uses which generate a large volume of traffic.



(1) Street names.

(1) Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.

(2) The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing street, irrespective of the use of the suffix street, avenue, boulevard, drive, place, court, lane, road, pike, highway, parkway, or similar suffix.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

## **§ 155.11 BLOCKS.**

The design of a subdivision shall conform to the following design standards:

(A) Length. Block lengths shall not exceed 1200 feet or less than 500 feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.

(B) Midblock walks. Blocks over 753 feet in length may be required to have a midblock walk near the center of the block connecting the streets on either side of the long block. The right-of-way for such walks shall not be less than five feet in width.

(C) Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth. However, where this would require lots to front on an arterial street or highway or where topographical conditions or the size of the property prevent two tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

## **§ 155.12 LOTS.**

The design of a subdivision shall conform to the following design standards:

(A) Relationship to streets. All lots shall front on a public street or road for a minimum distance of 75 feet except those lots which front on the turn-arounds of permanent dead-end streets or on curves, shall front on such turn-arounds or curves for a minimum distance of 40 feet.

(B) Development of hazardous areas. When lots are located on land which is subject to flooding, subsidence, or other hazards injurious to the health and safety of potential users; and when such hazards cannot be eliminated or adequate safeguards provided to protect the health and safety of potential users, the Planning Commission may declare such lots to be unsuitable for development and disapprove such plans to develop or subdivide such lots.

(C) Lot lines. Side lot lines shall be at right angles to straight street centerlines and radial to curved street centerlines. Rear lot lines should consist of straight lines with a minimum number of deflections.

(D) Dimensions. The size, shape, and orientation of lots shall be such as the Planning Commission deems appropriate for the type of development and use contemplated. Lot dimensions shall comply to the zoning code.

(1) Lots served by sewer. In areas where no zoning code is in effect, residential lots served by public sewer shall be at least 75 feet wide at the building setback line and 7,500 square feet in area.

(2) Lots not served by sewer. In areas where no zoning code is in effect, residential lots not served by public sewer shall have a minimum lot area as determined by the County Health Officer based on percolation tests and other health factors. However, in no case shall a lot not served by public sewer be less than 85 feet in width at the building setback line and less than 15,000 square feet in area.

(3) Lots served by wells. The minimum width and minimum area of residential lots to be served by individual private wells shall be determined by the County Health Officer after investigation of soil conditions, the proposed sewerage system, and the depth of ground water.

(E) Building setback line.

(1) Required setback line. The building setback line shall meet the requirements of the zoning code. Where the zoning code is

not in effect, the building setback line, for all lots, including double-frontage and corner lots, shall be no less than 25 feet from the street right-of-way.

(2) Variance from established setback lines. Once a setback line in an area of a subdivision is established, all buildings shall be built on this line. However, with the permission of the Planning Commission, setback lines in residential subdivisions may be varied ten feet from the established setback lines, but shall not be closer to the street right-of-way than the established building line. Permission can only be granted if it is shown that the privacy of the homes and yards in question is maintained. The permission shall be recorded on the final plat. The Planning Commission may review the building construction plans where permission is granted, and require changes that will maintain privacy.

(3) Obstructions to vision at street intersections prohibited. Corner lots in all districts, except the central business district, shall be free from all obstructions to traffic visibility between points 95 feet, measured along the street center line, from the intersection of the center lines. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

(F) Yard requirements. Yard requirements for residential subdivisions or the portions thereof inside the corporate limits shall be the same as the yard requirements set forth in the zoning code for the zoning district or districts in which they are located. Minimum yard requirements for residential subdivisions or the portions thereof located where no zoning code is in effect shall be as follows:

Front yard 25 feet

Rear yard 25 feet

Side yard 10 feet

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

### **§ 155.13 OFF-STREET LOADING AND PARKING FACILITIES.**

The design of a subdivision shall conform to the following design standards:

(A) Required off-street parking in accordance with zoning regulations. Off-street parking shall be provided in accordance with the zoning code where the zoning code is in effect.

(B) Required off-street parking where there is no zoning code. Where the zoning code is not in effect, off-street parking space shall be provided with vehicular access to a street or alley. Parking space shall be provided on the premises so that there will be no generation of automobile parking on any street. For purposes of computing the number of spaces available in a given area, a standard vehicle parking space shall be computed as an area measuring 10 by 20 feet. Additional area will be required in order to provide vehicle maneuvering space, access, and egress.

(C) The off-street parking standards where the zoning code is not in effect. The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed.

(1) Single-family residences -one space per dwelling unit.

(2) Apartment house - two spaces per unit.

(3) Boarding houses and rooming houses - one and one-half parking spaces for every two boarders or roomers based on maximum occupancy in addition to the requirements for dwellings.

(4) Hotels and motels - one parking space for each sleeping room or suite including that of the owner or manager residing on the premises plus the parking requirements for retail sales and consumer services if provided on the premises.

(5) Auditorium, theater or stadium or other similar use - one parking space for each four seats, based on maximum seating capacity.

(6) Restaurant - one space for each three seats available at maximum capacity. Employee parking shall be provided at the ratio of one space for each three employees.

(7) Church - one parking space for each four seats, based on maximum seating capacity.

(8) Office building - one parking space for each 300 square feet of gross floor area in the building, exclusive of the area used for storage, utilities, and building service.

(9) Industrial plants, research laboratories, nonretail sales and service establishments - one parking space for every two employees at maximum employment on a single shift plus one space for every truck operated by the plant or establishment.

(D) Off-street loading and unloading regulations for trucks. Where the zoning code is not in effect all buildings and uses which generate regular trucking traffic shall be provided with sufficient off-street loading and unloading space on the premises so that they will generate no loading or unloading activity on their required parking spaces or on any street. The Planning Commission shall interpret the amount of loading and unloading space required for any building or use whenever it is unable to apply this standard literally.

(E) Additional parking, loading, and unloading regulations. Where the zoning code is not in effect, the arrangement of off-street parking space shall be: off-street parking space required for any building or use may be located within 400 feet from the premises it serves, but detached therefrom, or may be consolidated into a large parking area serving other buildings and uses. Either arrangement must be approved by the Planning Commission. Such parking space, if allowed, shall be deemed required space associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.

(1) Proof of availability. The Planning Commission may require a plat, deed, and any other proof necessary to show that required parking space, if located off the premises it serves, is controlled by and available to the applicant prior to the granting of a building permit.

(2) Surfacing of parking, loading, and unloading spaces. Parking, loading, and unloading spaces and the access thereto shall be hard-surfaced asphalt or concrete.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.14 UTILITY AND DRAINAGE EASEMENT S.**

The design of a subdivision shall conform to the following design standards:

(A) Except where alleys are permitted for the purpose, the Planning Commission shall require easements at least 12 feet in width centered along all rear lot lines for poles, wires, conduits, storm sewers, sanitary sewers, gas mains, water mains, heat mains, and other utility facilities. Where necessary or advisable in the opinion of the Planning Commission, similar easements shall be provided along side lot lines or access lots.

(B) If a stream flows through or adjacent to the proposed subdivisions, the plat plan shall provide for an easement or right-of-way along the stream for a floodway. For the smaller streams, the plan shall also provide for channel improvement to enable them to carry all reasonable floods within banks. The floor elevations of houses shall be high enough to be well above the extraordinary flood. The floodway easement shall be wide enough to provide for future enlargement of the stream channel as adjacent areas become more highly developed and runoff rates are increased.

(C) Connection to existing easements. When necessary, utility and drainage easements shall connect with existing easements on adjoining properties.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.15 COMMUNITY FACILITIES DESIGN S TANDARDS.**

The design of a subdivision shall conform to the following design standards:

(A) Assessing the need for community facilities. During the review of subdivision plats the Planning Commission shall consider the adequacy of existing or proposed community facilities which will serve the additional population to be housed in a proposed subdivision. Subdividers shall also give consideration to dedicating or reserving land for facilities which will be needed in a subdivision, such as public buildings, recreational areas, shopping facilities, schools, open space, and public access to waterways and other public facilities.

(B) Adequacy of such areas. Areas provided or reserved for such community facilities shall be adequate for building sites, landscaping, and off-street parking.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

## **§ 155.20 COMPLETION OF IMPROVEMENTS PRIOR TO APPROVAL OF FINAL PLAT.**

No final subdivision plat shall be approved by the Planning Commission or accepted for record by the County Clerk until the required improvements listed above are constructed in a satisfactory manner and certified as such by the developers' engineer and approved by the appropriate City or County officials having jurisdiction. In lieu of such prior construction, the Planning Commission may accept a security bond or certified check running to the appropriate city or county agencies in an amount equal to the estimated cost of installation of the required improvements in accordance with § 155.48.

(Ord. 682, passed 2-22-79)

## **§ 155.21 DELINEATION OF SUBDIVISION AND LOTS.**

**Concrete corner monuments.** Concrete monuments at least 36 inches in length and four inches in diameter or four inches square shall be set at all corners on the plat. The top of the monument shall be flat and shall have an indented cross to properly identify the location. Except in cases where it is deemed clearly unreasonable or infeasible by the Planning Commission, these monuments shall be described on the final plat in relation to the located section corners of the coordinate system of the Commonwealth of Kentucky until such time that the City Engineer or other authorized persons, may establish triangulation points within the jurisdiction of the planning unit. After the triangulation points are established, the monuments shall be described on the final plat in relation to the triangulation points and in accordance with the regulations established by the City Engineer or other authorized persons.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

## **§ 155.22 STREET CONSTRUCTION.**

(A) **Grading specifications.** All streets, roads, and alleys shall be graded by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographical conditions will be allowed only with the special approval of the Planning Commission.

(1) **Preparation of the subgrade.** Before grading is started, the entire right-of-way area shall be first cleared of all tree stumps, roots, brush, and other objectionable materials and of all trees not intended for preservation. The subgrade shall be properly shaped, rolled, and uniformly compacted to conform with the accepted cross-section and grades.

(2) **Cuts.** In cuts, all tree stumps, boulders, organic material, soft clay, spongy material, and other objectionable material shall be removed to a depth of at least two feet below the natural ground surface. This objectionable matter as well as similar matter from cuts shall be removed from the right-of-way area and disposed of in such a manner that it will not become incorporated in fills or hinder proper operation of the drainage system. The fill material shall be free from trash and other foreign objects.

(B) **Minimum base widths.** Base widths shall be measured between curbs. Minimum base widths to be provided are:

Arterial streets 40 feet

Collector streets 36 feet

Minor streets

Through streets 28 feet

Local streets (Cul-de-sacs

less than 400 feet with only

single family dwelling units

and loop streets "off collec-

tors less than 2,000 feet

around" with only single

family dwelling units.) 28 feet

Marginal access streets 28 feet

Alleys 20 feet

(C) Cul-de-sac pavement. The base of the turn-around of a cul-de-sac shall have a radius of 40 feet.

(D) Base specifications for streets. The subdivider shall provide street bases with traffic bonded materials six inches thick and the full width of the street bed.

(1) All streets lying within subdivisions located in the corporate city limits shall be paved. These paved streets shall comply with the general requirements as set forth in division (D) (2) below.

(2) If the developer outside the corporate city limits elects to hard surface or pave the streets, such hard surface or pavement shall comply with the base widths as specified above, and shall be designed to carry the expected traffic loads, and shall conform with the Kentucky Department of Highways current standard specifications for portland cement concrete pavement or bituminous concrete pavement.

(E) Curbs and gutters.

(1) Subdivider shall provide curbs and gutters. Curbs and gutters shall be required on each side of the street in all subdivisions that lie within the corporate city limits, and they shall be required in all subdivisions lying in whole, or in part, within one mile of the corporate city limits.

(2) Curb and gutter specifications. Curbs shall not be less than four inches in height and shall be constructed of portland cement concrete. Backfill shall be higher than the curb and shall slope toward the curb in order to insure that surface water drains into the storm drainage system.

(3) Curb and gutter not necessary. The Planning Commission may waive the requirements for curb and gutter in single-family residential developments if they are not deemed necessary for proper drainage and only where all lots are greater than 200 feet in width at the building line.

(4) Requirements when curb and gutters are waived. Drainage ditches shall be constructed within the street right-of-way. The ditches shall be of adequate size to carry the runoff water and to prevent flooding. The Planning Commission may require concrete lined ditches or any other improvements needed to prevent flooding and erosion. The ditch line shall be a distance of ten feet or more from the edge-of-metal on an arterial street. On other streets, the drainage ditch line shall be five feet from the edge-of-metal. The shoulder, ditch, and remaining right-of-way shall be seeded from the edge-of-metal to the right-of-way line.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

### **§ 155.23 SIDEWALK CONSTRUCTION.**

For the safety of pedestrians in residential and commercial subdivision, the subdivider shall construct portland cement sidewalks within the street right-of-way on each side of arterial and collector streets in all subdivisions that are developed inside the corporate city limits, and those lying in whole or in part, and those lying one-half mile from outside the corporate city limits, from this date, to meet the following specifications:

(A) Required width and size.

(1) Single-family or duplex housing developments - four feet wide and four inches thick.

(2) Multi-family developments - five feet wide and four inches thick.

(3) Commercial developments - eight feet wide and four inches thick.

(B) Sidewalks along marginal access streets. Where a marginal access road parallels an arterial street, the Planning Commission may waive sidewalks along the arterial street and on the inside of the marginal access street. Sidewalks shall be required on the outside of the marginal streets.

(C) Sidewalks adjacent to streets. Sidewalks within five feet of the pavement shall be built at an elevation at or above the elevation of the top of the curb. In residential areas, the sidewalks shall be constructed at least two feet from the curb except at street intersections.

(D) Sidewalk construction where curb and gutters are waived. Sidewalks shall be constructed between the ditch and the right-of-

way line where curb and gutters have been waived. The sidewalks shall be built at least two feet from the ditch line and shall not be built in the ditch or so as to impede the flow of water in the ditch or as to cause erosion or flooding. Sidewalks closer than five feet from the pavement shall be at an elevation greater than that of the street or pavement.

(E) Sidewalks not necessary. The Planning Commission may waive the requirements in single-family unit development for sidewalks where it is shown that sidewalks are not needed for the safety of the pedestrian, and where circumstances make sidewalks impractical in the opinion of the Planning Commission.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.24 BUILDING SITE CONSTRUCTION.**

(A) The building site shall be free from flooding. The building site on each lot shall be at least 12 inches above the elevation of the street pavement unless the Planning Commission determines that because of natural or man-made drainage systems, the building site is completely free from flooding.

(B) Flood hazard. No building site shall be constructed to create or increase a flooding condition.

(C) Emergency access. Each building site shall be so situated that access can be provided for emergency vehicles.

(D) Use of fill. Any fill used on a building site shall be free of all debris and foreign matter.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.25 UTILITIES AND DRAINAGE FACILITIES.**

(A) General requirements for installation of utilities. Utilities shall be provided in rear lot easements wherever possible when it is necessary to install utilities in street right-of-way, the following requirements shall apply.

(1) After grading is complete and approved and before any pavement base is applied, all of the in-street underground work - water, gas mains, and all service connections - shall be completely installed and approved throughout the length of the street and across the flat section.

(2) Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that at such times as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

(3) Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the Planning Commission shall require the complete installation of service connections before any base is applied.

(4) In case where underground utilities must be provided within the right-of-way of the streets, they should not be installed under the paved portions of such streets.

(B) Water supply system. Where, in the opinion of the Planning Commission, the public water supply is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a complete water distribution system according to the specifications of the agency having jurisdiction which shall adequately serve all lots and which shall include appropriately spaced fire hydrants, and this system shall be properly connected to the public water supply. Where a public water supply is not within a reasonable distance or otherwise available the subdivider shall normally be required to construct a similar water distribution system and connect it with an alternate supply approved by the County Health Officer. If the Planning Commission approved the use of individual wells, lot sizes shall meet the requirements of § 155.12 (D) (3).

(C) Sanitary sewers. Where, in the opinion of the Planning Commission, the public sanitary sewer system is reasonably accessible or available to the proposed subdivision, the subdivider shall construct a subdivision sewer system to the public system after the City Engineer or other appropriate official has approved the size of the lines. Where lots can not be served by the extension of an existing public sanitary sewer, the subdivider shall either obtain approval of lot sizes for individual septic tanks and disposal fields from the County Health Officer and in accordance with § 155.12, or construct a complete sanitary sewer system according to specifications of the agency having jurisdiction.

(D) Storm drainage. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, and bridges should be provided for the proper drainage of all surface water. Cross drains, at least 20 inches in diameter, should

be provided to accommodate all natural water flow, and they shall be of sufficient length and size to permit full width roadways and the required slopes. The storm drainage system shall meet the requirements of the City Engineer or the agency having jurisdiction.

(E) Electric supply system. Provisions shall be made in every subdivision for a satisfactory electric supply system. Underground installation of all necessary wires may be required by the Planning Commission.

(F) Street lighting. Provisions for street lighting shall be made in accordance to the specifications of the City Engineer or the agency having jurisdiction.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

## **§ 155.26 STREET NAME SIGNS.**

The Planning Commission shall require the installation of durable street name signs at all intersections.

(Ord. 682, passed 2-22-79)

## **STORM WATER CONVEYANCE, EROSION CONTROL, AND POLLUTION PREVENTION**

### **§ 155.30 PURPOSE.**

(A) Proper storm water management and good water quality are vital in promoting the health, safety and general welfare of the public. It is the intent of this chapter, in an effort to minimize the dangers of flooding to life and property, and to assist in the preservation and protection of the Murray water quality and natural environment and more specifically:

- (1) Regulating the alteration of land and topography;
- (2) Regulating the removal of vegetation;
- (3) Requiring re-vegetation, and reducing erosion and sedimentation through control requirements;
- (4) Reducing pollutants in stormwater discharges; and
- (5) Prohibiting non-stormwater discharges to the storm sewer drainage system.

(B) The design criteria for stormwater conveyance, erosion control, and stormwater pollution prevention are outlined in this subchapter.

(Ord. 2001-1254, passed 8-23-01; Am. Ord. 2014-1635, passed 4-10-14)

### **§ 155.31 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"80th PERCENTILE RAINFALL EVENT."** The rainfall event, based on historical rainfall records, that represents an event that is equal to or greater than 80% of the rainfall events that would be expected to occur in a typical year.

**"AUTHORIZED ENFORCEMENT AGENCY."** Mayor, City of Murray, MS4 Operator or authorized representative.

**"BEST MANAGEMENT PRACTICE OR BMP."** Any structural or nonstructural control measure utilized to improve the quality and, as appropriate, reduce the quantity of stormwater run-off. The term includes schedules of activities, prohibitions of practice, treatment requirements, operation and maintenance procedures, use of containment facilities, land use planning, policy techniques, and other management practices.

**"CHANNEL."** A natural or man-made watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

**"CLEAN WATER ACT."** The Federal regulations (33 U.S.C. §§ 1251 et seq., and as amended) that prohibit the discharge of



pollutants to waters of the United States unless such discharge is in accordance with an approved National Pollutant Discharge Elimination System (NPDES) permit.

**"CONSTRUCTION ACTIVITY."** Activities subject to NPDES construction permits include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**"CONTIGUITY."** An entity's proximity to a designated MS4 area in such a way that it allows for direct discharges of stormwater run-off into the regulated MS4 conveyance.

**"CONTROLLED RELEASE STRUCTURE."** A facility constructed to regulate the volume of storm water runoff that is conveyed during a specific length of time.

**"CONVEYANCE."** Any structure process for transferring stormwater between at least two (2) points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

**"CONVEYANCE STRUCTURES."** Water carrying devices or improvements such as channels, ditches, storm sewers, culverts, inlets, and the like.

**"CULVERTS AND CROSS DRAINS."** A short, closed (covered) conduit that passes storm water runoff under an embankment.

**"DETENTION"** or **"RETENTION."** Delaying the rate of storm water runoff in a controlled manner, typically by using temporary storage areas and a man-made outlet device.

**"DEVELOPED."** Conditions after construction or other manmade change to improved or unimproved (land), including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**"DISPOSAL."** The 1) discharge; 2) deposit; 3) injection; 4) spilling; 5) leaking; or 6) placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

**"ERODED."** Weathered or worn away outer layers of soil by the action of water.

**"ESCP PLAN."** Erosion and Sediment Control Plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a specific development site or parcel of land during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with this subchapter.

**"EXCESS STORM WATER."** That portion of storm water runoff which exceeds the capacity of the storm sewers or natural drainage channels serving a specific watershed.

**"EXISTING STORMWATER FACILITY."** Any existing structural feature that slows, treats, filters, or infiltrates runoff after a rainfall event.

**"GARBAGE."** All animal solid, vegetable solid, and semisolid wastes resulting from the 1) processing; 2) handling; 3) preparation; 4) cooking; 5) serving; or 6) consumption of food or food materials.

**"HAZARDOUS WASTE."** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**"HOTSPOT."** An area where the land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

**"ILLICIT CONNECTIONS."** Either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allows any non-stormwater discharge including sewage, process wastewater, effluent, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains, washing machines, bathtubs, and sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by any enforcement agency.

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.



**"ILLICIT DISCHARGE."** Any discharge to an MS4 conveyance that is not composed entirely of stormwater.

**"IMPERVIOUS SURFACE."** Asphalt, concrete or any other surface which does not allow measurable infiltration.

**"INDUSTRIAL ACTIVITY."** Activities subject to MPDES industrial permits as defined in 40 CFR. § 122.26(b)(14).

**"INLET (STORM DRAIN)."** An opening leading to an underground pipe or open ditch for carrying surface runoff.

**"(MS4) MUNICIPAL SEPARATE STORM SEWER SYSTEM."** A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) owned or operated by a state, city, town, county, district association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial water, stormwater, or other wastes, that discharge to waters of the United States.

**"NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT."** A permit issued by EPA or the Kentucky Department of Environmental Protection that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

**"NATURAL DRAINAGE."** Water which follows by gravity in channels formed by the surface topography of the earth prior to changes made by the efforts of man.

**"NON-STORMWATER DISCHARGE."** Any discharge to the storm drain system that is not composed entirely of stormwater.

**"NOTICE OF INTENT (NOI)."** Formal notice to the EPA or a state agency having delegated NPDES authority that a construction project seeking coverage under a general permit is about to begin.

**"OFF-SITE."** External to the boundary of a development.

**"ON-SITE."** Internal to the boundary of a development.

**"PERSON."** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**"POINT DISCHARGE (OUTFALL)."** Release of storm water at a specific location.

**"POLLUTANT."** Anything which causes or contributes to pollution. **"POLLUTANTS"** may include, but are not limited to: paints, varnishes, solvents; oil and automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, effluent fecal coliform, E. Coli, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction of a building or structure and noxious or offensive matter of any kind.

**"POND."** An inland body of standing water that is usually smaller than a lake.

**"PREMISES."** Any building, lot parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**"RECEIVING WATERS."** The "water of the Commonwealth" as defined in KRS 224.01-010(33) into which the regulated stormwater discharges (modified EPA CGP).

**"REDEVELOPMENT."** The improvement of a lot or lots that have been previously developed.

**"REVIEW STAFF."** The City Engineer and/or other designated officials.

**"RUBBISH."** Combustible and noncombustible waste materials except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**"RUNOFF."** Rainfall excess after natural losses from infiltration, evaporation, transportation or incidental pondage.

**"SEDIMENT."** Solid material, either mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by erosion.

**"STORM DRAINAGE SYSTEM."** Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and other drainage structures.

"STORM SEWER." Two or more inlets connected by pipes.

"STORMWATER." Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"STORMWATER POLLUTION PREVENTION PLAN." A document which describes the Best Management Practices (BMPs) and activities to be implemented by a person or business to identify source of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.

"STORM WATER RUNOFF RELEASE RATE." The rate at which storm water runoff is released from dominant to servient land.

"STORM WATER STORAGE AREA." An area designed to temporarily accumulate excess storm water.

"STREAM." For the specific purpose of vegetated buffers, a "STREAM" is defined as a linear surface water conveyance that can be characterized with either perennial or ephemeral base flow.

"STRUCTURE." Anything constructed or erected such that the use of it requires a more or less permanent location on or in the ground. Such construction includes, but is not limited to, objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls.

"SWALE." Surface-type conveyance for storm water usually designated to carry incidental, localized runoff.

"TMDL." Total maximum daily load. A "TMDL" is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards, and an allocation of that amount to the source(s) of the pollutant.

"TRANSPORTING." Any moving of earth materials from one place to another, other than such movement incidental to grading, as authorized on an approved plan.

"VEGETATIVE BUFFER." A use-restricted vegetated area that is located along the perimeter of streams, ponds, lakes or wetlands, containing natural vegetation and grasses, or enhanced or restored vegetation.

"WASTEWATER." Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

"WATER QUALITY CONTROL STRUCTURE." The structures (e.g. grass swales, filter strips, infiltration basins, detention ponds, stormwater wetlands, natural filtration areas, sand filters, and rain gardens, and the like), used to slow runoff, promote infiltration, and reduce sediments and other pollutants in stormwater runoff.

"WATER QUALITY MANAGEMENT FACILITIES." Structures and constructed features designed to prevent or reduce the discharge of pollution in storm water runoff from a development or redevelopment. "WATER QUALITY MANAGEMENT FACILITIES" can often be referred to as BMPs.

"WATER QUALITY MANAGEMENT PLAN." An engineering plan for the design of water quality management facilities and best management practices within a proposed development or redevelopment. The "WATER QUALITY MANAGEMENT PLAN" includes a map showing the extent of the land development activity and location of water quality management facilities and BMPs, design calculations for water quality management facilities and BMPs, and may contain record drawings/certifications and covenants for permanent maintenance of water quality facilities and best management practices.

"WATER QUALITY RUNOFF STANDARDS." The stormwater volume to be treated through a water quality control structure based on the surface runoff produced by an 80th percentile rainfall event.

"WATER QUALITY STANDARDS." Administrative regulation promulgated by the State of Kentucky establishing the designated use of a surface water and the water quality criteria necessary to maintain and protect that designated use (4041 KAR 5:002; 401 KAR 5:031 as amended).

"WETLAND." An area that is inundated or saturated, by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetland determination shall be made by the United States Army Corps of Engineers, and/or the Kentucky Division of Water, and/or the Natural Resources Conservation Service.

(Ord. 2001-1254, passed 8-23-01; Am. Ord. 2014-1635, passed 4-10-14)

## **§ 155.32 STORM WATER CONVEYANCE, MANAGEMENT, AND WATER QUALITY FACILITIES REQUIRED.**

All development occurring within the city and its area of extraterritorial jurisdiction for subdivision regulations shall provide for properly-sized storm water conveyance facilities and shall contain on-site, or provide off-site, storm water management facilities capable of controlling increased runoff relative to its pre-developed condition, and water quality control structures capable of managing the stormwater runoff quality produced from an 80th percentile rainfall event under post-construction conditions (See § 155.34, below). Unless included in exemptions listed in § 155.34(J), no application for a preliminary or final plan of subdivision shall be approved unless it includes either a plan describing the manner in which storm water erosion and sediment resulting from the development will be controlled or managed or a documented request for a waiver thereof. Similarly, unless exempt, no building permit shall be issued for any parcel or lot until either an adequate storm water management plan addressing erosion, sediment and storm water, or a documented request for a waiver thereof, has been approved.

(Ord. 2001-1254, passed 8-23-01; Am. Ord. 2014-1635, passed 4-10-14)

### **§ 155.33 STORM WATER CONVEYANCE FACILITIES AND WATER QUALITY DESIGN CRITERIA.**

The following criteria shall control when designing storm water conveyance facilities and water quality control structures:

(A) Open channels and roadside ditches. The design storm for the design of open channels and roadside ditches shall be a storm with a recurrence frequency of ten year/ 24-hour duration. The time of concentration for open channel and roadside ditch design should be assumed to be 15 minutes.

(B) Storm sewers and inlets. The design storm for the design of storm sewers and inlets shall be the 25-year storm/24- hour duration (TR-55 Method and Rational Method). The duration of the peak rainfall event shall be assumed to be equal to the calculated time of concentration. Storm sewers and inlets shall be checked under 25-year storm/24-hour duration (TR-55 Method and Rational Method) loading conditions for ponding limits. The ponding limit for streets with curb and gutter shall be an eight-foot spread measured from gutter to driving lane. Spread calculations shall be based upon an intensity of four inches per hour. Pipes should be sized based upon the actual time of concentration. The minimum time of concentration should be assumed to be eight minutes.

(C) Entrance pipes and cross drains. The design storm for the design of entrance pipes and cross drains shall be the 25-year storm/24-hour duration (TR-55 Method and Rational Method). The duration of the peak rainfall event shall be assumed to be equal to the calculated time of concentration. The minimum time of concentration shall be assumed to be eight minutes. Entrance pipes and cross drains shall be checked for overtopping of roadways and flood damage to affected areas. Situations requiring pipes larger than 36 inches shall be designed using the culvert criteria in division (D) of this section, below.

(D) Culverts and cross drains. The design storm for the calculation of runoff for culvert design shall be the 25-year storm. The duration of the peak rainfall event shall be assumed to be equal to the calculated time of concentration. The recommended check storm is the 100-year storm. The maximum headwater under 100-year storm conditions should not be allowed to overtop roads or increase the flooding potential in the affected areas.

(E) Erosion control. Plans for storm water conveyance systems shall include appropriately designed temporary and permanent erosion-control measures both for the open channel conduits and all disturbed land draining to both open and closed conduits within the system. (Best Management Practices for Construction Activities prepared by the Kentucky Natural Resources and Environmental Protection Cabinet and § 155.36 of this sub-chapter should be used as design guides for erosion and sediment control).

(F) Water quality control structures. The design rainfall event for the design of all stormwater quality control structures shall be the surface depth of runoff produced from an 80th percentile precipitation event. Stormwater quality control structures shall be designed, built and maintained to treat filter, flocculate, infiltrate, screen, evapo-transpire, harvest and reuse stormwater runoff, or otherwise manage the stormwater runoff quality for the 80th percentile precipitation event. Green infrastructure devices may be used as water quality control structures if they meet the design criteria.

(G) Design certification. Design of all storm water conveyance and water quality facilities shall be prepared and stamped by a licensed professional engineer (Kentucky registration required). Design methods shall be in accordance with the Kentucky Department of Highways Manual of Instructions for Drainage Design, latest edition.

(Ord. 2001-1254, passed 8-23-01; Am. Ord. 2014-1635, passed 4-10-14)

### **§ 155.34 STORM WATER MANAGEMENT FACILITIES DESIGN CRITERIA.**

As a minimum, the following criteria shall be followed when designing a storm water management facility.

(A) The rainfall events shall be analyzed using the Soil Conservation Service TR-55 method, Rational Method or other methods only as pre-approved by the city.

(B) The storm water discharge point onto adjoining property may not be relocated without the permission of the affected adjoining landowner and the city.

(C) If the storm water discharge onto adjoining property is of a sheet flow nature before development, the storm water discharge onto adjoining property after development of the property may not be changed to a concentrated discharge point without the written agreement of the affected adjoining landowner.

(D) The initial reference conditions for an undeveloped site shall be the conditions that existed on that site as of April 1, 1998. This date refers to the aerial photography on file at the City Engineering Department and available on request.

(E) When a property to be developed experiences upstream storm water runoff onto the property, the effects of that runoff under current conditions shall be included in the storm water analysis. If the off-site runoff onto the property is not isolated from the detention system, the effects of routing the off-site runoff through the detention facilities shall be included in the analysis (Routed Through Design).

(F) Design storm. Storm water management facilities shall be designed to retain the difference in the pre-development and post-development 5-year, 10-year and 25-year, 24-hour storm event. Stormwater management facilities that discharge to high quality waters shall be designed to retain the difference in the pre-development and post-development 2-year, 24-hour storm event. High quality waters are categorized by the Kentucky Division of Water as high quality pursuant to the requirements of 401 KAR 10:030, § 1(3).

(G) Emergency spillways. Emergency spillways shall be designed to pass the 100-year storm. The effect of the 100-year storm must be accommodated and documented in the design of all storm water management facilities.

(H) Design Calculations. Design calculations submitted must include, but not be limited to, the following:

- (1) Contributing drainage area, in acres. Indicate if pre-development and post-development areas differ.
- (2) A breakdown of surface type for pre-development and post-development conditions (such as grassed, paved, roofed, and the like).
- (3) Stage-storage curve for the proposed storm water management facility.
- (4) Stage-discharge curve for the outlet structure of the proposed storm water management facility.
- (5) Inflow and outflow hydrographs for pre-development and post-development conditions.
- (6) Emergency spillway design calculations.
- (7) Embankment design criteria as it relates to slope stability and compaction requirements during construction.

(I) Storm water management and water quality plan. The final storm water management and water quality plan shall include, but not be limited to, the following:

- (1) All calculations, assumptions and criteria used in the design of the storm water management facilities and water quality control structures.
- (2) All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.
- (3) All plans will depict all contributing areas on the plans.
- (4) Location, dimensions and design details required for the construction of all facilities.
- (5) A description of the operation and maintenance needs for the storm water management facilities and water quality control structures.
- (6) All information relative to the design and operation of emergency spillways.
- (7) Project specifications relative to erosion and sedimentation control. (Refer to Best Management Practice for Construction Activities prepared by the Kentucky Natural Resources and Environmental Protection Cabinet for design guidelines associated with erosion and sediment control.)

(8) All deed restrictions, easements and rights-of-way.

(9) The ownership and maintenance responsibilities for all storm water management and water quality control structures during and after development. The identity of the responsible individual, corporation, association or other specific entity and the specific maintenance must be outlined on the plan.

(a) Storm water detention facilities and water quality control structures that are not maintained in proper working condition will be subject to corrective action by city forces along with appropriate fees and fines.

(b) The property owner shall be responsible for maintaining the storm water detention facilities and water quality control structures on the property, unless a maintenance agreement exists with multiple property owners for a regional detention facility.

(J) Exemptions. Exemptions from the storm water management requirement contained herein shall be granted to the following:

(1) All existing residentially subdivided property developments excluding sites to be used or developed as a residential planned development project.

(2) Residential subdivisions or residential planned development projects where minimum lot size is greater than five acres.

(3) Any nonresidential development for which the area paved and under roof is less than 7,500 square feet.

(4) Waivers may also be granted if, in other cases, the developer can provide sufficient documentation that the proposed development will not result in an adverse impact either upstream or downstream of the proposed site. Waivers shall be granted solely at the discretion of the city plan review staff, based upon interpretation of the documentation presented by the developer in conjunction with staff knowledge of the relationship of the proposed development to the adjacent property.

(K) Design certification. Design of all storm water management and conveyance facilities and water quality control structures shall be prepared and stamped by a licensed professional engineer (Kentucky registration required).

(L) Construction certification. Prior to final approval of the development or issuance of certificate of occupancy, the licensed professional engineer must submit certification that the storm water management and conveyance facilities were constructed in accordance with the approved plan. Final approval shall also provide evidence of the recording of all storm water conveyance, management, and water quality facilities deed restrictions, easements and rights-of-way. Any request for deviation from the approved plan during construction shall be submitted to the city plan review staff in writing for approval.

(M) Ownership, operation and maintenance of detention systems and water quality management facilities:

(1) For commercial, industrial and multifamily residential developments, ownership and maintenance responsibilities remain with the property owner/developer.

(2) For single family residential subdivisions, the city may at its discretion accept ownership and maintenance responsibilities; provided, that:

(a) Construction and certification is in accordance to the approved plan; and

(b) Appropriate land dedication and easements are provided, including adequate public ingress and egress from the facility to a public street.

(N) Additional treatment and monitoring may be required. The City reserves the right to require for new and redeveloped properties superseding or additional treatment criteria or objectives for specific pollutant(s) as necessary to meet overall stormwater quality management program objectives or directives under a watershed improvement or total maximum daily load (TMDL) program or KPDES/NPDES permit program as administered by the USEPA or Commonwealth of Kentucky.

(O) Self-inspection required. The property owner shall provide self-inspection documentation for water quality management facilities. Stormwater management staff will periodically inspect water quality management facilities for the purpose of identifying maintenance and structural deficiencies and if required proof of monitoring. If additional treatment and or monitoring is required, the property owner shall be fully responsible for monitoring their stormwater management and water quality facilities in accordance with the most recent directives under a watershed improvement or Total Maximum Daily Load Program or KPDES/NPDES permit program as administered by the USEPA or Commonwealth of Kentucky.

(P) In lieu of fee, an off site mitigation program may be established. The City of Murray Stormwater Management Department may develop a payment-in-lieu program to allow property owners/developers make payment to the City in lieu of constructing stormwater quality management structures. The in lieu of fee funds shall be applied to public stormwater projects. Another option is to allow the property owner/developer to provide off site mitigation in the same watershed. Both of these options may be developed by

the City of Murray Stormwater Management Department following the permit requirements of the KPDES permit for small municipal separate storm sewer systems.

(Ord. 2001-1254, passed 8-23-01; Am. Ord. 2005-1374, passed 3-24-05; Am. Ord. 2006-1430, passed 11-21-06; Am. Ord. 2014-1635, passed 4-10-14)

### **§ 155.35 EROSION CONTROL.**

(A) Permit required. Prior to any person engaging in a land disturbance activity within the corporate boundaries of the city, they shall possess a city-issued permit for the land disturbance activity. A permit will be issued by the city once a sedimentation and erosion control plan has been submitted and approved.

(B) Land disturbance activity within the corporate boundaries of the City of Murray subject to NPDES permit coverage within the provisions of this subchapter shall include but not limited to:

(1) Land disturbing activities including development and re-development activities that disturb an area greater than or equal to one (1) acre. Sites that are smaller than one (1) acre are also covered by this subchapter if they are part of a larger common plan of development or sale.

(2) Land disturbing activities of less than one (1) acre that have the potential to negatively impact local water quality or sensitive areas. This determination will be made at the sole discretion of the Director of Planning and Engineering or his or her designee.

(C) Permit coverage requirements. Prior to any person engaging in construction and or land disturbance activity subject to permit coverage within the corporate boundaries of Murray must comply with the following requirements to achieve and maintain coverage under the "National Pollutant Discharge Elimination System" (NPDES) general permit for construction activity:

(1) Develop and submit an erosion and sediment control plan to the City of Murray Planning and Engineering Department.

(2) Develop and submit a "Stormwater Pollution Prevention Plan," (SWPPP) to the City of Murray Planning and Engineering Department.

(3) Submit an electronic notice of intent (NOI) form to the Kentucky Division of Water at least seven (7) days before construction begins.

(4) Submit a copy of the NOI to the City of Murray Planning and Engineering Department.

(5) All design, testing, installation, and, maintenance of erosion protection and sediment control operations and facilities shall adhere to the criteria, standards and specifications as set forth in the most recent version of the Kentucky Erosion Prevention and Sediment Control Field Guide.

(6) Continue to implement all plans and procedures during construction activity, including inspections every seven (7) days, or every 14 days and after each rainfall event of one-half inch or more.

(7) Submit a signed notice of termination (NOT) form to the Kentucky Division of Water, and the City of Murray Planning and Engineering Department after the site has been stabilized.

(D) Contents of erosion and sediment control plan. Plans shall be prepared by a licensed professional engineer, drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and show measures proposed to minimize soil erosion and off-site sedimentation. The permittee shall assure that all clearing, grading, drainage-construction, and development are performed in strict accordance with the approved plan and this subchapter. The ESCP plan shall include the following:

(1) A project narrative.

(2) The location of the site in relationship to the surrounding area's watercourses, water bodies, sinkholes, roads, structures, and other significant geographic features vulnerable to erosion from the disturbed site.

(3) An indication of the scale used.

(4) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed.

(5) Contours with a minimum two (2) foot interval for the existing and proposed topography.

(6) The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.

(7) A clear and definite delineation of any areas of vegetation or trees to be saved.

(8) A clear and definite delineation of any wetlands, sinkholes, natural or artificial water storage detention areas, and drainage ditches on the site.

(9) A clear and definite delineation of any one hundred (100) year floodplain on or near the site.

(10) Existing and proposed storm drainage systems.

(11) Standard details for storm water facilities and erosion and sediment control measures.

(12) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.

(13) Design details for both temporary and permanent erosion control structures.

(14) Details of temporary and permanent stabilization measures.

(E) Review of plan. The City Engineer shall review the erosion and sediment control plan. The plan will be approved and a permit issued if he finds that it complies with the following land disturbance activity standards.

(1) Land disturbance activities shall be done in a manner which will minimize soil erosion:

(a) The extent of the disturbed area and the duration of its exposure shall be kept within reasonable limits.

(b) Cut and fill operations shall be kept to a minimum. Developments calling for excessive cutting and filling may be refused a permit if it is determined that the land use proposed for the site can be reasonably constructed with less alteration of the natural terrain.

(2) Land shall be developed in increments of workable size, which can be completed during a single construction season. Erosion and sedimentation control measures shall be coordinated with the sequence of grading, development and construction operations.

(3) When feasible, natural vegetation shall be retained, protected and supplemented.

(4) Topsoil shall be saved where practical and reapplied to the site after grading has been finished.

(5) Provisions shall be provided which minimize the damage from surface water to the cut face of excavations or the sloping surface of fills.

(6) Disturbed soils shall be stabilized as quickly as possible; however, no area shall be left disturbed for more than fourteen (14) days.

(7) Temporary seeding, mulching or other suitable methods of stabilization shall be used to protect exposed areas which have been disturbed longer than 30 days.

(8) Water runoff shall be minimized and retained on-site, wherever possible, to facilitate groundwater recharge and reduce erosion.

(9) Measures shall be taken to contain as much sedimentation as practical on-site:

(a) Sedimentation shall be trapped by the use of debris basins, sediment basins, silt traps or similar measures approved by the City Engineer until the area has been stabilized.

(b) All required sedimentation and erosion reduction measures and structures shall be in place prior to any land disturbance.

(c) Sedimentation shall be kept out of sinkhole throats/outlets.

(d) All necessary soil erosion and sedimentation control measures installed shall be adequately maintained by the developer until the land has been completely stabilized as verified by the City Engineer.

(e) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(f) No mud, gravel, debris, etc., shall be allowed to accumulate or collect, or be deposited onto public streets or washed into storm drains.

(10) The type of stabilization or re-vegetation shall be appropriate for the slope and soil type of the site.

(11) Provisions shall be made for reseeding areas which do not vegetate the first time.

(12) Difficult areas, such as ditch lines and other slopes, may have to be sodded or stabilized in some other approved manner.

(13) The City Engineer shall review the plan within 30 days of its receipt and notify the applicant of his action. In the case of a denial, the reasons for the denial shall also be given. An applicant may appeal a denial of a permit to the Planning Commission. All appeals shall be made in writing within ten days of the denial and the applicant shall be entitled to a hearing before the Planning Commission within 30 days of the date of appeal.

(14) A land disturbance/ development permit will be issued on the basis of approved plans. No fee will be charged for the permit.

(D) Exemptions from this permit. The following land disturbance activities are specifically exempt from this article:

(1) Land disturbance associated with existing one and two family dwelling.

(2) Use of land for home gardening

(3) Agricultural use of land which is used in accordance with a farm conservation plan approved by the local soil conservation service or which has been determined by said service that such use will not cause excessive erosion or sedimentation.

(4) Land disturbance activities covered under an approved subdivision's sedimentation and erosion control plan. (*NOTE: Often these plans will cover only the land disturbance associated with lot arrangement and street development and not the individual lot development.*)

(E) Existing unvegetated and eroded areas. All existing unvegetated areas within the city shall submit and have approved an erosion and sediment control plan, a SWPPP, and a NOI from the Division of Water as per § 155.35(C). All areas of the city shall be vegetated or stabilized in accordance with this article. The existing unvegetated areas shall institute measures to keep their sedimentation on-site and out of sinkhole outlet areas while the erosion control and revegetation measures are in progress.

(Ord. 2001-1254, passed 8-23-01; Am. Ord. 2005-1374, passed 3-24-05; Am. Ord. 2014-1635, passed 4-10-14)

### **§ 155.36 ISSUANCE OF CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy shall be issued for any development, which is subject to the regulations of this chapter unless, and until all requirements and criteria of this chapter are fully complied with.

(Ord. 2001-1254, passed 8-23-01)

### **§ 155.37 STORMWATER POLLUTION PREVENTION.**

(A) Purpose, intent. The purpose and intent of this section is to ensure the health, safety and general welfare of the inhabitants within the corporate limits of the City of Murray and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the National Pollutant Discharge Elimination System (NPDES) permit process by reducing pollutants in stormwater discharges and by prohibiting non-stormwater discharges to the storm drain system.

(B) Applicability. This subchapter shall apply to all water entering the storm drainage system and/or receiving waters generated on any developed or undeveloped lands unless explicitly exempted by the authorized enforcement agency.

(C) Ultimate responsibility. The standards set forth herein and promulgated pursuant to this subchapter are minimum standards: therefore this subchapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the state caused by the person. This subchapter shall not create liability on the City of Murray, or any agent or employee thereof for any damages that result from any discharger's reliance on this subchapter or any administrative decision lawfully made hereunder.

(D) Severability. The provisions of this subchapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this subchapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this subchapter.

(E) Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the storm drainage system and or



receiving waters of the Commonwealth, any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standard, other than stormwater. The commencement conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) Waterline flushing, or other potable water sources.
- (2) Landscape irrigation or lawn watering.
- (3) Diverting stream flows.
- (4) Rising ground water or ground water infiltration to storm drains.
- (5) Uncontaminated pumped ground water.
- (6) Foundation or footing drains (not including active ground water dewatering systems), and crawl space pumps.
- (7) Air conditioning condensation.
- (8) Springs.
- (9) Non-commercial washing of vehicles.
- (10) Natural riparian habitat or wetland flows.
- (11) Fire fighting activities.
- (12) And any other water source not containing pollutants.
- (13) Dye testing discharge upon verbal notification to the authorized enforcement agency prior to the time of the test.

(14) Any non-storm water discharge permitted under NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental, Protection Agency, provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

- (15) Discharges specified in writing to the authorized enforcement agency as being necessary to protect public health and safety.

(F) Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this subchapter if the person connects a line conveying sewage, effluent, or biologically contaminated water to the storm drainage system, or allows such a connection to continue. A person is considered to be in violation to this subchapter if the person reinstates a suspended connection to the storm drainage system without prior approval of the authorized enforcement agency.

(G) Waste disposal prohibitions. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street alley, sidewalk, component of the storm drain system, or water of the state, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited adjacent to streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

(H) Industrial or construction activity discharges. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the authorized enforcement agency prior to allowing discharges to the MS4.

- (I) Monitoring of discharges.

(1) The authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as necessary to determine compliance with this section.

(2) Persons shall allow the authorized enforcement agency ready access to all parts of the premises for the purpose of inspection, sampling, examination and copying of records that must be kept under the condition of an NPDES permit to discharge stormwater. and the performance of any additional duties as defined by state law.

- (3) The authorized enforcement agency shall have the right to set up on any permitted facility such devices as necessary in the

opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The authorized enforcement agency has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to their accuracy.

(5) Any temporary or permanent obstruction to the facility being inspected and/or sampled shall be promptly removed by the facility operator at the written or oral request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the facility operator.

(6) Unreasonable delay and/or denial of access to a permitted facility are violations of a stormwater discharge permit and this ordinance. The authorized enforcement agency is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(J) Requirements to prevent control, and reduce stormwater pollutants. The owner and/or facility operator shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system of watercourses through the use of these structural and non-structural BMPs. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity to the extent practicable shall be deemed compliant with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

(K) Watercourse protection. Every person owning property within a watershed, through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

(L) Notifications of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or water of the State said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the authorized enforcement agency in person, by phone, or by facsimile no later than the next business day and written notice given no later than three (3) business days of initial notification. The owner or facility operator shall also retain an onsite written record, for three (3) years, of the discharge and the actions taken to prevent its recurrence.

(M) Program enforcement.

(1) Suspension of MS4 access.

(a) In the event of an emergency, the authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to public health, the environment, the MS4, or the waters of the state. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize the danger to the public, damage to the MS4 or waters of the state.

(b) Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator so they may petition the authorized enforcement agency, for a reconsideration and hearing.

(2) Notice of violation.

(a) Whenever the authorized enforcement agency finds that a person.

(b) Has violated any prohibition or failed to meet any requirements of this ordinance the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting.
2. The elimination of illicit connections or discharges.
3. That violating discharges, practices, or operations shall cease and desist.

4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.

5. Payment of penalty to cover administrative and remediation costs, or

6. The implementation of source control or treatment BMPs.

(c) If abatement of violation and/or restoration of affected property are required, the notices shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall advise that should the violator fail to remediate or restore within the established deadline, the work will be done by a contractor and all expense shall be charged to the violator.

(3) Appeal of notice of violation. Any person receiving a notice of violation may appeal, in writing, the determination of the authorized enforcement agency. The notice of appeal must be received by the office of Planning and Engineering, within 15 days from the date of the notice of violation.

(4) Enforcement measures after appeal. If the violation has not been corrected pursuant to the requirements set forth in the violation or deadline, the enforcement agency shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the authorized enforcement agency or its designated contractor to enter upon the premises for the purposes set forth above.

(5) Cost of abatement. Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with 15 days of notification. If the amount due is not paid within 30 days or by the date expressed by the authorized enforcement agency, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

(6) Injunctive relief. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this subchapter. If a person has violated or continues to violate the provisions of this subchapter, the authorized enforcement agency may petition the courts for a preliminary or permanent injunction restraining the person from activities which would create further violation or compelling the person to perform abatement or remediation of the violation.

(7) Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, and the like.

(8) Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this subchapter, is a threat to public's health, safety, and welfare, and is deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(9) Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. 2014-1635, passed 4-10-14) Penalty, see § 155.99

## **PROCEDURE FOR APPROVAL OF LAND TO BE SUBDIVIDED**

### **§ 155.40 APPROVAL OF SUBDIVISION PLAT REQUIRED.**

(A) Approval needed before recording. No plat of a subdivision of land shall be recorded by the Calloway County Clerk until the plat has received final approval by the Commission.

(B) No subdivision of land before approval and recording. No person or his agent shall subdivide any land before securing the final approval of the Planning Commission of a plat designating the areas to be subdivided and before the plat is recorded in this Office of the County Clerk.

(C) Approval needed for building permit. Where land is being subdivided in the city, a building permit for the construction of any

building or structure or se to be used privately shall not be issued until the subdivision plat has received final approval and is recorded with the Calloway County Clerk.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

### **§ 155.41 MAJOR OR MINOR SUBDIVISION.**

(A) Major subdivision. A subdivision of over five lots shall be required to have both preliminary plat and final plat approval before it can be recorded.

(B) Minor subdivision. Minor subdivisions of five lots or less with no new street construction, including the improvement or widening of existing streets, or no major construction of utility lines shall require only final approval, that contours shall be present on the plat in accordance with § 155.43 (G). A vicinity map shall also be placed on this plat.

(C) Delegation of authority to approve a minor plat. The Planning Commission may appoint the Administrative Officer or other qualified persons to review and approve a minor plat; however, the signature of the Chairman of the Planning Commission shall still be required before a plat can be recorded. The Planning Commission may override the decision of the Administrative Officer.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

### **§ 155.42 PLAT REVIEW CHARGE.**

(A) Regular meetings. A charge shall be made for the examination and approval or disapproval of every plat reviewed by the Planning Commission. At the time the preliminary plats or minor plats are filed with the Planning Commission, the subdivider shall deposit with the Planning Commission checks payable to the city in the amount of \$25 for the preliminary and each final plat.

(B) Called meetings. Where request is made for a special called meeting of the Planning Commission by a subdivider or developer for the purpose of reviewing and approving or disapproving a plat (preliminary or final) a fee of \$100 shall be charged each developer or subdivider for such called meeting. This \$100 fee shall include the stated review fees indicated under division (A) above.

(Ord. 682, passed 2-22-79)

### **§ 155.43 PRELIMINARY PLAT REQUIRED.**

Information to be placed on the preliminary plat. The preliminary plat shall meet the design standards as set forth in §§ 155.10 through 155.15. It shall meet the following requirements:

(A) It shall be drawn on paper of a size 24 inches by 36 inches. More than one sheet may be used.

(B) It shall be drawn at a scale of 200 feet to one inch or larger.

(C) It shall have a title block located in the lower right hand corner of the plat. It shall contain the following information:

(1) Name of the subdivision.

(2) Name and address of the owners.

(3) The name of the engineer or surveyor and his seal or stamp.

(4) Acreage of land to be subdivided.

(5) The date.

(6) A graphic scale.

(7) North point.

(D) A vicinity map at a scale of 1,200 feet to an inch or larger shall be placed in the upper right hand corner. It shall show the approximate location of the subdivision to major streets, streams, easements, or other development.

(E) On the preliminary plat the blocks containing the following certificates shall be placed on the right hand side or lower edge of

the plat.

(1) Certificate of approved water and sewerage system (Appendix A, § 1), shall be placed on the plat.

(2) When connection to public sewerage and water systems is proposed, the following certificates shall also be placed on the plat:

(a) Certificate of availability of water services (Appendix A, § 2).

(b) Certificate of availability of sewage disposal (Appendix A, § 3).

(F) The following shall appear on the preliminary plat:

(1) The names of adjacent property owners and subdivisions shall be shown, along with intersecting property lines.

(2) Contours at an interval of not greater than five feet or at a lesser interval if deemed necessary by the Planning Commission. Contours within 250 feet of the area to be subdivided shall be shown where possible. Contours of the same elevation shall be extended to the point of intersection if they intersect within 500 feet of the property to be subdivided. Sinkholes shall be labeled and their low point clearly marked.

(3) Boundary lines of areas to be subdivided and their bearings and distances.

(4) Existing and proposed easements and their locations, widths, and distances.

(5) Streets and easements on and adjacent to the tract and their names, widths, approximate grades, and other dimensions as may be required.

(6) Present and proposed utilities on and adjacent to the tract showing proposed connections to existing utility systems. Rear easements for utility poles and wires shall be required wherever possible.

(7) Lot lines and lot numbers.

(8) Sites and their acreages, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public uses. Sites, if any, for semi-public, commercial, or multi-family uses.

(9) Minimum building setback lines.

(10) Protective covenants shall be placed directly on, or attached to, the preliminary plat.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.44 SUBDIVISION OF PORTION OF LARGER TRACT.**

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

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.45 PROCEDURE FOR PRELIMINARY PLAT APPROVAL.**

(A) The preliminary plat shall receive the approval of the County Health Officer prior to consideration by the Planning Commission. A certificate of approval by the County Health Officer shall appear on the preliminary plat.

(B) The preliminary plat shall receive the approval of the administrative officer of the agency or utility company supplying water services prior to consideration by the Planning Commission if a connection to a public water line is proposed. A certificate of the availability of water shall appear on the preliminary plat.

(C) The preliminary plat shall receive the approval of the administrative officer of the agency or utility company supplying sewage disposal services prior to the consideration of the Planning Commission, if a connection to a public sewerage system is proposed. A certificate of availability of sewage disposal services shall appear on the preliminary plat.

(D) Three copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission with a

written application for preliminary approval at least ten days prior to the meeting of the Planning Commission at which it is to be considered.

(E) Within 90 days after the hearing on the preliminary plat, the Planning Commission shall approve, disapprove, or approve subject to modification, the said plat. Failure of the Planning Commission to act on this preliminary plat within 90 days shall be deemed approval of the plat. If a plat is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required modifications shall be indicated in writing. The action of the Planning Commission shall be noted on two copies of the preliminary plat with any notations made at the time of approval or disapproval of the specific changes required. One copy shall be returned to the subdivider and the other retained by the Planning Commission.

(F) Approval of the preliminary plat shall not constitute acceptance of the final plat. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year from the date of such approval. An extension of time may be applied for by the subdivider and granted by the Planning Commission.

(Ord. 682, passed 2-22-79)

#### **§ 155.46 CONSTRUCTION, BOND, OR CASH REQUIRED BEFORE FINAL PLAT APPROVED.**

All improvements shall be installed before a final plat can be approved, or in view of installation of improvements, a security bond, cash, or certified check, shall be posted with the city. The amount of the security bond, cash, or certified check shall be determined by the Planning Commission.

(Ord. 682, passed 2-22-79)

#### **§ 155.47 FINAL PLAT REQUIRED.**

(A) Information to be described on the final plat. The final plat shall meet the design and construction structures set forth in this regulation. In order that a final plat may be approved, the plat shall contain the following information and the subdivider shall follow the necessary procedure for approval:

- (1) It shall be drawn on paper of a size 24 inches by 36 inches. More than one sheet may be used.
- (2) It shall be drawn at a scale of 100 feet to one inch or larger.
- (3) It shall have a title block located in the lower right hand corner of the plat. It shall contain the following information:
  - (a) Name of the subdivision.
  - (b) Name and addresses of the owners.
  - (c) The name of the engineer or surveyor and his seal or stamp.
  - (d) Acreage of land to be subdivided.
  - (e) The date.
  - (f) Graphic scale.
  - (g) True north point.
- (4) On a final plat, blocks containing the following certificates shall be placed on the right hand side or lower edge of the plat.
  - (a) Certificate of owner-ship and dedication (Appendix A, § 4).
  - (b) Certificate of accuracy (Appendix A, § 5).
  - (c) A certificate of approved water and sewerage system (Appendix A, § 1) shall be placed on the plat.
  - (d) When connections to public water and sewerage lines are made, the following shall be placed on the plat:
    1. Certificate of availability of water services (Appendix A, § 2).
    2. Certificate of availability of sewage disposal services (Appendix A, § 3).

(e) Certificate of approved streets and utilities as constructed or proposed, or that bond, cash, or check has been posted (Appendix A, § 6).

(f) Certificate of approval for recording (Appendix A, § 7).

(5) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points shall be given as they relate to the triangulation points as established in § 155.21.

(6) The location and description of all other corner monuments and lot monuments shall be given.

(7) The following information shall be given and shown on the plat with accurate dimensions to the nearest one-hundredth of a foot:

(a) Tract boundary lines.

(b) Right-of-way lines of streets.

(c) Easements; proposed and existing.

(d) Other rights-of-way.

(e) Property lines of residential lots and other sites.

(f) Minimum building setback lines.

(g) Frontage dimensions.

(8) The following information shall be given and shown on the plat to the nearest minute:

(a) Bearings or deflection of angles.

(b) Radii, arcs, and central angle of all curves and intersections.

(9) The following information shall also be shown:

(a) Name and right-of-way width of each street, easement, or other right-of-way.

(b) Lot numbers and proposed street numbers.

(c) Names and locations of adjoining subdivisions and streets, and location of adjoining unplatted properties, the names and addresses of the owners of adjoining unplatted properties, and intersecting property lines.

(B) Profile sheets required. Separate plan and profile sheets shall be required. These plan and profile sheets must be prepared by a registered professional engineer or land surveyor and shall show elevations and all engineering data necessary for construction of proposed streets, curb and gutter, storm drainage, and utility layouts, (sewer, water, and underground cables and wires) including private systems. The profile sheet shall show centerline profiles on proposed streets showing natural and finished grades, and sewer location drawn to a scale of not less than 100 feet horizontally and one inch equals ten feet vertically, and typical street cross sections.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

#### **§ 155.48 PROCEDURE FOR FINAL PLAT APPROVAL.**

(A) The final plat shall have a signature of the owners of the land to be subdivided stating that they own the land and shall dedicate the necessary streets, rights-of-way, and easements to the appropriate governing body or utility company. A certificate of ownership and dedication (Appendix A, § 4) shall appear on the final plat.

(B) The final plat shall have the signature of the registered surveyor or engineer testifying to the accuracy of the survey and measurements on the plat. A certification of accuracy (Appendix A, § 5) shall appear on the plat.

(C) The final plat shall receive the approval of the County Health Officer prior to consideration by the Planning Commission. A certificate of approval by the County Health Officer shall appear on the preliminary plat (Appendix A, § 1).

(D) The final plat shall receive the approval of the administrative officer of the agency or utility company supplying water services prior to consideration by the Planning Commission if a connection to a public water line is proposed. A certificate of the availability of

water shall appear on the preliminary plat (Appendix A, § 2).

(E) The final plat shall receive the approval of the administrative officer of the agency or utility company supplying sewage disposal services prior to the consideration of the Planning Commission if a connection to a public sewerage system is proposed. A certificate of availability of sewage disposal services (Appendix A, § 3) shall appear on the preliminary plat.

(F) The final plat shall receive the approval of the City Engineer or other qualified person prior to consideration by the Planning Commission. The City Engineer or other qualified person shall certify that the streets, utilities, and other improvements have been installed properly and according to city specification, or that a security bond has been posted with the city legislative body to assure completion of all required improvements in case of default (Appendix A, § 6).

(G) Construction on the required improvements or approval of the final plat when security is posted shall be required within one year after the preliminary plat is approved after such time a preliminary plat shall be required.

(H) The original plat and six copies of the final plat together with any street profiles or other plans that may be required shall be submitted to the Chairman of the Planning Commission by the subdivider at least ten days prior to the meeting at which it is to be reviewed.

(I) Within 90 days after receiving the final plat, the Planning Commission shall approve or disapprove the said plat. Failure of the Planning Commission to act upon this final plat within 90 days shall be deemed approval of the plat. If the plat is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission.

(J) Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public way, or ground.

(K) When the final plat has been approved by the Planning Commission, the original plat shall be returned to the subdivider, with the approval of the Planning Commission certified thereon, for filing with the Calloway County Clerk as an official plat of record. Another copy certified by the Planning Commission will be transmitted to the city legislative body for necessary action on any proposed dedication.

(Ord. 682, passed 2-22-79)

#### **§ 155.49 IMPROVEMENTS MADE UNDER BOND OR OTHER SECURITY.**

Reasonable time given. When a bond, cash, or check is posted, the Planning Commission may set a reasonable time for the improvements to be properly installed; however, this period shall be no greater than 18 months. At the end of the period, it is shown that extraordinary conditions exist which will require a longer period of time for the installation of the improvements, the Planning Commission may grant an additional period of time up to six months in which the improvements shall be properly installed. No additional time shall be granted after this extended period unless a subdivider can justify further extension.

(Ord. 682, passed 2-22-79)

#### **§ 155.50 ACCEPTANCE AND DEDICATION OF STREETS.**

(A) Required construction completed.

(1) Release of bond, cash, or check. The city may release the security bond or cash only with the recommendation of the Planning Commission that the city accept the dedication of the streets and other public grounds in the subdivision in question.

(2) Basis for recommendation. The Planning Commission shall make the above recommendation only after the following conditions have been satisfied:

(a) Received a written certification from a registered professional engineer/land surveyor that all street construction and other improvements incidental thereto have been constructed in accordance with the previously approved street plan and profile drawings as required under § 155.47 (B).

(b) Received a report from the City Engineer or other qualified person that all improvements have been properly installed, that the final plat has been approved, and after the Planning Commission determines that all requirements of the subdivision regulations and zoning code have been met.



(B) Failure to install improvements; conditions for accepting public improvements.

(1) If it has been determined by the Planning Commission that improvements necessary for the public health, safety, and welfare of the residents of the subdivision are not properly guaranteed by the subdivider, the Planning Commission shall recommend that the city take action to secure the posted bond or cash or insure the installation of these improvements.

(2) Additional building permits shall not be issued. If such action is taken, no new building permit or certificate of occupancy shall be issued until all improvements are installed properly as determined by the Planning Commission.

(Ord. 682, passed 2-22-79)

## VARIANCES

### § 155.60 VARIANCES FOR UNUSUAL PHYSICAL CONDITIONS.

Where the Planning Commission finds that strict enforcement of these regulations would create an undue hardship because of exceptional and unique physical conditions that exist on the property to be subdivided, but not usually found within the jurisdiction of the Murray Planning Unit, the Planning Commission may modify these regulations to the extent necessary to provide relief for the undue hardship; provided that such relief may be granted without detriment to the public welfare and without substantially impairing the intent and purpose of these regulations. In granting such variances or modifications, the Planning Commission may require such conditions as will substantially secure the objectives of the standards or requirements so varied or modified. Financial disadvantage to the property owner is no proof of hardship within the purpose of these regulations.

(Ord. 682, passed 2-22-79)

### § 155.61 VARIANCES FOR DESIGN INNOVATION AND LARGE-SCALE DEVELOPMENT.

These regulations may be modified by the Planning commission in the case of plans for complete neighborhoods or other design innovations which, in the opinion of the Planning Commission, achieve the basic objectives of these regulations. The Planning Commission shall require those conditions, such as covenants or other legal provisions, which it feels are necessary to assure conformity to, and achievement of, the proposed subdivision plan; however, overall density as established in the zoning code shall not be reduced.

(Ord. 682, passed 2-22-79)

### § 155.62 VARIANCES IN CONFLICT WITH ZONING REGULATION.

When a variance from the subdivision regulations is granted, and such variance is also a variance from the zoning code, the variance shall only be granted by the Planning Commission with the condition that the variance is granted by the Board of Adjustments. An application for a variance shall first be considered by the Planning Commission, and then by the Board of Adjustments shall have jurisdiction only where the zoning code is in effect, and shall follow the procedure set forth in the zoning code.

(Ord. 682, passed 2-22-79)

## AMENDMENTS AND LEGAL STATUS

### § 155.70 AMENDMENTS.

The Planning commission may recommend to the City Council revisions and modifications of these regulations from time to time by holding a public hearing on the proposed changes after giving notice as required by KRS Chapter 424. It shall then make its recommendation on the proposed changes to the City Council. It shall take a majority of the entire City Council to override the recommendations of the Planning Commission.

(Ord. 682, passed 2-22-79)

**§ 155.71 LEGAL STATUS.**

Conformance with zoning and other regulations. No final plat of land within the area of force and effect of an existing zoning code will be approved unless it conforms with the zoning code. Wherever there is a discrepancy between the minimum standards set forth in these regulations and those contained in the zoning code, building code, or other official regulations, the highest standard shall apply.

(Ord. 682, passed 2-22-79)

**§ 155.98 VIOLATION.**

No selling of land before approval. No person owning land composing a subdivision, or his agent, shall transfer or sell or agree to 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 recorded by the County Clerk. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded. The description of lots or parcels by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any right or remedies he may otherwise have.

(Ord. 682, passed 2-22-79) Penalty, see § 155.99

**§ 155.99 PENALTY.**

(A) If any subdivider, County Court Clerk, public official, or other person who does not comply with the zoning code, KRS Chapter 100, with this regulation, the conditions set forth by the Planning Commission, Board of Adjustments, or any court, or does not comply with the plans presented and approved, the Planning Commission may take the following action:

(1) Injunctions. The Planning commission may apply for a injunction against any type of subdivision construction by a subdivider or a landowner.

(2) Building permits. The Planning Commission may direct the Building Inspector not to issue building permits in the subdivision in question.

(3) Fines. The Planning Commission may take action to fine any person or entity who is in violation of these provisions or any of the regulations adopted pursuant hereunder for which no other penalty is provided. Upon conviction, the persons or entity shall be guilty of a misdemeanor and shall be fined not less than \$10 but not more than \$500 for each conviction. Each day of violation shall constitute a separate offense.

(B) Any person who is subject to the regulations of §§ 155.30 through 155.37 shall be liable to the city for a civil penalty of \$250 per violation per day for as long as the violation Continues. In addition to such penalty, the city may recover from the person reasonable attorney fees, court costs and other expenses incurred in any enforcement proceedings.

(Ord. 682, passed 2-22-79; Am. Ord. 2001-1254, passed 8-23-01; Am. Ord. 2014-1635, passed 4-10-14)

**APPENDIX A: CERTIFICATION FORMS AND CHECK LISTS**

FORM A  
CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

(to appear on preliminary and final plats)

I hereby certify that the \_\_\_\_\_ water supply and \_\_\_\_\_  
sewage disposal utility systems installed, or proposed for installation in the subdivision entitled: \_\_\_\_\_  
fully meets the requirements of the Kentucky State Health Department, and hereby approved as shown.

\_\_\_19\_\_\_

Date

\_\_\_\_\_  
County Health Officer or other Approving Agent

(Blanks to be filled with the words "private" or "public".)

FORM B

(to appear on the preliminary and final plats)

CERTIFICATE OF AVAILABILITY OF WATER SERVICES

I hereby certify that, \_\_\_\_\_\* shall supply the \_\_\_\_\_ Subdivision with water services and that the water distribution systems of said subdivision meets the requirements of this agency and all other requirements for the proper distribution of water.

\_\_\_\_, 19\_\_\_\_  
Engineer of the Appropriate Agency

\* (Name of company or agency distributing water)

FORM C

(to appear on the preliminary and final plats)

CERTIFICATE OF THE AVAILABILITY OF SEWAGE DISPOSAL SERVICES

I hereby certify that \_\_\_\_\_\* shall supply the \_\_\_\_\_ subdivision with sewage disposal services and the sewage disposal system of said subdivision meets the requirements of this agency and all other requirements for the proper disposal of sewage.

\_\_\_\_, 19\_\_\_\_  
Engineer of the Appropriate Agency

\*(Name of company or agency supplying sewage disposal services.)

FORM D

(to appear on final plat)

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as shown in accordance with the Murray Subdivision Regulations, unless otherwise noted.

\_\_\_\_, 19\_\_\_\_  
Owner \_\_\_\_\_  
Owner \_\_\_\_\_

FORM E

(to appear on final plat)

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Murray, Kentucky Planning Commission and that the monuments have been placed as shown hereon to the specifications of the County Engineer or City Engineer.

\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
Registered Engineer or Surveyor

(Stamp)

FORM F

(to appear on the final plat)

(Use Form F-1 when improvements have been made before final approval)

(Use Form F-2 when security is to be posted)

F-1

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify that all streets, utilities, and other improvements have been installed in an acceptable manner and according to the city specifications in \_\_\_\_\_ subdivision.

\_\_\_\_\_, 19\_\_\_\_

Date

\_\_\_\_\_

City Engineer or Approving Agent

F-2

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify that the proposed streets, construction plans for all streets, utilities and other improvements in \_\_\_\_\_ subdivision do meet the city specifications.

Furthermore, a \_\_\_\_\_\* in the amount of \$\_\_\_\_\_ has been posted with the Murray Legislative Body to assure the completion of all required improvements in case of default.

\_\_\_\_\_, 19\_\_\_\_

Date

\_\_\_\_\_

City Engineer or Approving Agent

\*(This blank to be filled in with the words, "cash". "certified check". or "security bond".)

FORM G

(to appear on final plat)

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations for Murray, Kentucky, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission, and that it has been approved for recording in the Office of the County Clerk.

\_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_

Chairman or Secretary of the Planning Commission

PRELIMINARY PLAT - CHECK LIST

(to be filed with minutes)

Name of subdivision \_\_\_\_\_

Location \_\_\_\_\_

Owner \_\_\_\_\_ Tel. \_\_\_\_\_

Address\_\_\_\_\_

Surveyor or Engineer\_\_\_\_\_ Tel.\_\_\_\_

Address\_\_\_\_\_

Date Submitted\_\_\_\_\_ Fees \$\_\_\_\_\_

Meeting Date\_\_\_\_\_

CHECK LIST

Fees Paid

Approval of County Health Officer received

Approval of Water Distribution System received

Approval of Sewerage System received

Three (3) copies received

Approved paper size (18"x24" or 24"x36")

Map (1" = 200' or greater)

SHOWN ON PLAT

Name and location of subdivision

Vicinity Map

Name and address of owners

Name and seal of engineer or surveyor

Acreage of land to be subdivided

Date

Graphic scale

North point

Certificates on plat

Adjacent property owners

Contours at 5' or lesser intervals

Boundary lines

Proposed and existing easements on and adjacent to tract and their dimensions

Present and proposed utilities on and adjacent to tract and proposed connections

Lot line and lot numbers Public sites

Setback lines

Protective covenants

Portion of larger tract and data shown

Approval given\_\_\_\_\_ Refused\_\_\_\_\_

Grounds for refusal, if not shown above or conditions or modifications required\_\_\_\_\_

Variances granted (if any)\_\_\_\_\_

Subject to approval of Board of Adjustments\_\_\_\_\_

Approval received?\_\_\_\_\_

Date of action of Planning Commission\_\_\_\_\_

\_\_\_\_\_  
Chairman, Murray Planning Commission

FINAL PLAT - CHECK LIST  
(to be filed with minutes)

Name of subdivision\_\_

Location\_\_

Owners\_\_ Tel.\_\_\_\_Address\_\_\_\_\_

Surveyor or Engineer\_\_Tel.\_\_\_\_ Address\_\_\_\_\_

Date Submitted \_\_ Fee \$\_\_\_\_\_

Date preliminary plat approved\_\_\_\_\_

Minor plat\_\_

Meeting Date\_\_

CHECK LIST

- Construction completed, security posted
- Fees paid
- Certificate of Ownership and Dedication
- Certificate of Accuracy
- Approval of County Health Department
- Approval of Water Company
- Approval of Sewerage System
- Approval of City Engineer
- The original plat and six (6) copies submitted
- Approved paper size (18"x24" or 24"x36")
- Maps (1" = 100' or larger)
- Name of subdivision
- Name and address of owner
- Name of the engineer or surveyor and seal
- Acreage of tract
- Date
- Graphic scale
- True north point
- Certificates on plat
- Boundary lines and dimensions
- All street rights-of-way and dimensions
- All easements and dimensions
- Lot lines and dimensions
- Setback lines
- Bearing, radii of angles
- Name of street
- Lot numbers and street numbers
- Name of adjoining subdivisions and property owner
- Protective covenants
- Location of monuments
- Profile sheets and street plans
- (Contours on minor plats)

§ 1 SUBDIVISION JURISDICTION MAP

[[Click here to view image.](#)]

§ 2 STREET CLASSIFICATION MAP.

[[Click here to view image.](#)]

§ 3 FLOODWAY MAPS.

[[Click here to view Plate 1.](#)]

[[Click here to view Plate 2.](#)]

[[Click here to view Plate 3.](#)]

[[Click here to view Plate 4.](#)]