

# **SUBDIVISION REGULATIONS**

**PLANNING COMMISSION  
MURRAY, KENTUCKY  
1971**

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THE PREPARATION OF THIS DOCUMENT WAS FINACENED THROUGH A FEDERAL GRANT FROM THE URBAN RENEWAL ADMINISTRATION OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT UNDER THE PLANNING ASSISTANCE PROGRAM AUTHORIZED BY SECTION 701 OF THE HOUSING ACT OF 1954, AS AMENDED, AND THROUGH FUNDS PROVIDED BY THE CITY OF MURRAY AND THE COMMONWELTH OF KENTUCKY.

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## ARTICLE 1

### 1.1 PURPOSE

These Subdivision Regulations are designed to encourage the development of residential commercial, and industrial subdivisions according to recognized standards which provide 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.

### 1.2 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.”

### 1.3 AUTHORITY AND ADMINISTRATION

These Regulations are adopted by the Murray Planning Commission and the City Council of the City of Murray under the authority granted by the Kentucky Revised Statutes, Chapter 100. The Regulations shall be administered by the Murray Planning Commission and the staff of the Commission.

### 1.4 AREA OF JURISDICTION – SECTION 100.131 KRS

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 of Murray and within the unincorporated area adjacent to the City for a distance of four miles from the intersection of Twelfth Street and Main Street.

## ARTICLE II

### DEFINITIONS

For the purpose of these Regulations, certain terms and words shall be used and interpreted as defined hereafter and in Kentucky Revised Statutes, Chapter 100. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word “shall” is mandatory, not directory.

- 2.1 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.
- 2.2 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 of the Murray Zoning Ordinance.
- 2.3 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 of the Murray Zoning Ordinance.
- 2.4 Administrative Officer: The administrative officer is that individual appointed by the Mayor and approved by the Murray City Council to administer the Murray Zoning Ordinance. He may be known as the Building Inspector, Codes Enforce Officer, Codes Administrator, Zoning Administrator, or various other titles descriptive of his work unless otherwise stated in this or any other ordinance.
- 2.5 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.

- 2.6 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.
- 2.7 Building Permit: A permit issued by the Administrative Officer allowing a property owner or his agent to construct, alter, or remove a building, etc., or engage in similar activity which would alter the character of the lot in question.
- 2.8 Building, Principal: A building, including covered porches, carports, and attached garages in which is conducted the principle 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 Mobile Home Park: A tract of land on which two or more mobile homes are located.
- 2.13 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.
- 2.14 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.
- 2.15 Minor Plat: The plat of a minor subdivision.
- 2.16 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.

- 2.17 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 or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.
- 2.18 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.

ARTICLE III

GENERAL PROVISIONS

3.1 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 subdivision.

1. Suitability of Land for Subdivision

A. Land Not Suitable for Development:

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, "National 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).

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.

B. 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, 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.

2. 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.

3. 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 re-subdivision.

4. Mobile Home Parks

Mobile Home Parks Must Conform To:

1. Kentucky Revised Statutes 219.120 through 219.250.
2. Design requirements as set forth in the Murray Zoning Ordinance.
3. The procedure for plat approval for a Mobile Home Park is the same as subdivision, and to be according to Article 6 as shown in these Subdivision Regulations.

5. Multi-Building Development

A. Compliance with this Regulation: Where multi-building development occurs, the developer must establish lot lines for each principle building and lot. The developer must establish setback lines to meet all other requirements of this regulation and the Murray Zoning Ordinance, where applicable. Preliminary and final plats shall be presented to the Murray Planning Commission in accordance with this regulation.

B. Variance: A variance from this Ordinance 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 reaction 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 Murray Zoning Ordinance, where applicable, or which destroys the character of the neighborhood.

## ARTICLE IV

### MINIMUM DESIGN STANDARDS

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

#### 3.1 Streets

##### 1. Conformity to the Major Street Plan

The width and locations of all streets in a proposed subdivision will conform to the Murray Major Street Plan.

##### 2. Relation to Topography

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

##### 3. Street Extensions

A. Extension of Present Streets: The streets 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.

B. 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 forty (40) feet.

C. 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.

##### 4. Dedication of Right-of-Way

A. 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 Murray General Plan, or if not shown thereon, shall meet the following standards.

<u>Street Types</u>	<u>Right-of-Way</u>
Arterial Streets	80 feet
Collector Streets	60 feet
Minor Streets – Through Streets	50 feet
Minor Streets – Local Streets (cul-de-sacs less than 400 feet with only single dwelling units and loop streets “off collectors less than 2,000 feet around” with only single family dwelling units)	50 feet
Marginal Access Streets	50 feet
Alleys	20 feet

- B. Maximum Dedication: The Murray 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 eighty (80) feet for any one street.
- C. Arterial Streets with Controlled Access: All Streets classified as arterial streets by the Murray General Plan may be considered as limited access in accordance with the Kentucky Revised Statutes 177.220 to 177.310, defined herein as controlled access. All points of access shall be as approved by the Planning Commission.
- D. 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.
- E. Dead-End Streets (Cul-de-sacs): Minor terminal or dead-end streets or courts with are designed so as to have one end permanently closed shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having a radius at eh outside of the right-of-way of at least fifty (50) feet.
- F. 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.
- G. Existing Streets: Subdivision on both sides of Street:  
 1. 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.

2. Subdivision on one side of street: Where the subdivision is to take place on only one side of the street, one-half (1/2) of the right-of-way needed to give the street the required right-of-way shall be dedicated.

H. 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 (10) feet on each side for needed parking.

I. 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.

J. Streets Along Property Lines: Where a proposed subdivision contains or is adjacent to existing or proposed railroad rights-of-way, arterial street right-of-way, pavement, and other requirements must be met in full.

K. Conflicting Traffic or Land Use: When a proposed subdivision contains or is adjacent to existing or proposed railroad right-of-way, arterial street right-of-way, other significant right-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 any be necessary for protection of abutting properties and the maintenance or function of major traffic arteries.

5. Private Streets and Reserve Strips

A. There shall be no private streets platted within a subdivision.

B. 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.

6. Street Intersections

A. 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.

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

C. Radii at Intersection: Street curb and edge intersections shall be rounded by radii of at least twenty (20) feet.

D. Street Jogs: Street jogs with center line offsets of less than one hundred fifty (150) feet shall not be made.

7. Horizontal Curves

- A. Reverse Curves: A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- B. Curve Radius: Where there is a deflection angle of more than ten (10) 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:

<u>Street Type</u>	<u>Minimum Curve Radius</u>
Arterial	300 feet
Collector	300 feet
Minor	100 feet

8. Vertical Curves

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.

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

(1) Calculate the algebraic difference in grades.

(2) Multiply by the appropriate value.

Values for crest curve:	Arterial and Collector Streets	50
	Minor Streets	28
Values for sag curve:	Arterial and Collector Streets	50
	Minor Streets	35

9. Street Grades

- A. Maximum Grades: Street grades shall conform to the following:

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

- B. 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 (1/2) of one (1) percent.

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

## 10. Street Elevations

- A. 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.
- B. Fills: Fill may be used in areas subject to flooding in order to provide flow-free streets if such fill does not unduly increase flood heights. Drainage opening 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.

## 11. Access to Lots

- A. Lots on or Near Arterial Streets: Access to lots abutting only on arterial rights-of-way shall conform to Section 4.1 – 4C of this regulation, 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 non-arterial street at a distance of not less than 75 feet from the intersection.
- B. 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.
- C. Minor Streets: Lot which abuts 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.
- D. 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.
- E. Alleys: All non-residential 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 value of traffic.

## 12. Street Names

- A. Proposed streets which are obviously in alignment with other already existing and named streets shall bear the names of such existing streets.
- B. 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.

### 4.2 Blocks

1. Length: Block length shall not exceed twelve hundred (1200) feet or less than five hundred (500) feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.
2. 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 (5) feet in width.
3. Width: Blocks shall be wide enough to allow two (2) 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 (2) tiers of lots, the Planning Commission may approve a single tier of lots of minimum depth.

### 4.3 Lots

1. Relationship to Streets: All lots shall front on a public street or road for a minimum distance of seventy-five (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 forty (40) feet.
2. 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.
3. 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.

4. 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.

A. Lot Dimensions Shall Comply to the Zoning Ordinance

(1) Lots Served by Sewer: In areas where no zoning ordinance is in effect, residential lots served by public sewer shall be at least seventy-five (75) feet wide at the building setback line and seven thousand, five hundred (7,500) square feet in area.

(2) Lots not Served by Sewer: In areas where no zoning ordinance 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 eighty-five (85) feet in width at the building setback line and less than fifteen thousand (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.

5. Building Setback Line

A. Required Setback Line: The building setback line shall meet the requirements of the Murray Zoning Ordinance. Where the Zoning Ordinance 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.

B. 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 10 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.

C. 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 ninety-five (95) feet, measured along the street center line, from the intersection of the center liens. The requirements of this section shall not be deemed to prohibit any necessary training wall.

6. Yard Requirements: Yard requirements for residential subdivisions or the portions thereof inside the corporate limits of Murray shall be the same as the yard

requirements set forth in the Murray Zoning Ordinance 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 ordinance is in effect shall be as follows:

Front Yard	25 feet
Rear Yard	25 feet
Side Yard	10 feet

#### 4.4 Off-Street Loading and Parking Facilities

1. Required Off-Street Parking in Accordance with Zoning Regulations: Off-street parking shall be provided in accordance with the Murray Zoning Ordinance where the Zoning Ordinance is in effect.
2. Required Off-Street Parking Where There is no Zoning Ordinance: Where the Zoning Ordinance 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.
3. The Off-Street Parking Standards Where the Zoning Ordinance is not in Effect: The following standards comprise the minimum off-street parking requirements for the several common types of buildings and uses listed.
  - A. Single-family residence: One space per dwelling unit.
  - B. Apartment House: Two spaces per unit.
  - C. Boarding Houses and Rooming Houses: One and one-half (1½) parking spaces for every two boarders or roomers based on maximum occupancy in addition to the requirements for dwellings.
  - D. Hotels and Motels: One (1) 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.
  - E. Auditorium, Theatre or Stadium or Other Similar Use: One (1) parking space for each four (4) seats, based on maximum seating capacity.
  - F. 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 (3) employees.

G. Church: One (1) parking space for each four (4) seats, based on maximum seating capacity.

H. Office Building: One (1) parking space for each three hundred (300) square feet or gross floor area in the building, exclusive of the area used for storage, utilities and building service.

I. Industrial Plants, Research Laboratories, Non-retail Sales and Service establishments: One (1) parking space for every two (2) employees at maximum employment on a single shift plus one (1) space for every truck operated by the plat or establishment.

4. Off-Street Loading and Unloading Regulations for Trucks: Where the Murray Zoning Ordinance is not to 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.

5. Additional Parking, Loading , and Unloading Regulations: Where the Murray Zoning Ordinance 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.

A. 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.

B. Surfacing of Parking, Loading and Unloading Spaces: Parking, loading and unloading spaces and the access thereto shall be hard-surfaced asphalt or concrete.

#### 4.5 Utility and Drainage Easements

1. Except where alleys are permitted for the purpose, the Planning Commission shall require easements at least twelve (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.

2. 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 extra-ordinary 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.
3. Connection to Existing Easements: When necessary, utility and drainage easements shall connect with existing easements on adjoining properties.

#### 4.6 Community Facilities Design Standards

1. 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 building, recreational areas, shopping facilities, schools, open space, and public access to waterways and other public facilities.
2. Adequacy of Such Areas: Areas provided or reserved for such community facilities shall be adequate for building sites, landscaping, and off-street parking.

## ARTICLE V

### CONSTRUCTION

#### 5.1 Completion of Improvements Prior to Approval of the 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 6.9 of this Regulation.

#### 5.2 Delineation of Subdivision and Lots

##### 1. Monuments

A. Concrete Corner Monuments: Concrete monuments at least thirty-six (36) inches in length and four (4) inches in diameter or four (4) 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 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.

#### 5.3 Street Construction

1. 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.

- A. 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 compact to conform with the accepted cross-section and grades.
- B. 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 (2) feet below the natural ground surface. The 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.

2. 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	
Local Streets (Cul-de-sacs less than 400 feet	
With only single family dwelling units and	
Loop streets “off collectors less than 2,000	
Feet around” with only single dwelling units)	28 feet
Marginal Access Streets	28 feet
Alleys	20 feet

3. Cul-de-sac Pavement: The base of the turn-around of a cul-de-sac shall have a radius of 40 feet.

4. Base Specifications for Streets: The subdivider shall provide street bases with traffic bonded materials 6 inches thick and the full width of the street bed.

- A. All streets lying within subdivisions located in the corporate city limits shall be paved. Said paved streets shall comply with the general requirements as set forth in Paragraph 4-B.

- B. 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.

5. Curbs and Gutters:

- A. The Subdivider Shall Provide Cubs 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.
- B. Curb and Gutter Specifications: Curbs shall not be less than four (4) 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.
- C. 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.
- D. Requirements When Curb and Gutters are Waived
  - 1. Required Drainage Ditches: 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 10 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.

#### 5.4 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:

- 1. Required Width and Size
  - A. Single-Family or Duplex Housing Development: Four (4) feet wide and four (4) inches thick.
  - B. Multi-Family Developments: Five (5) feet wide and four (4) inches thick.
  - C. Commercial Developments: Eight (8) feet wide and four (4) inches thick.
- 2. Sidewalks along Marginal Access Streets: Where a marginal access road parallels a 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.

3. Sidewalks Adjacent to Streets: Sidewalks within five (5) 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 (2) feet from the curb except at street intersections.
4. 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 (2) 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 (5) feet from the pavement shall be at an elevation greater than that of the street or pavement.
5. 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.

#### 5.5 Building Site Construction

1. 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.
2. Flood Hazard: No building site shall be constructed to create or increase a flooding condition.
3. Emergency Access: Each building site shall be so situated that access can be provided for emergency vehicles.
4. Use of Fill: Any fill used on a building site shall be free of all debris and foreign matter.

#### 5.6 Utilities and Drainage Facilities

1. 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:

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

2. 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 Section 4.3 – 4A (3) of this regulation.
3. Sanitary Sewers – Where, in the opinion of the Planning Commission, the public sanitary sewer system is reasonable 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 Section 4.3 of this regulation, or construct a complete sanitary sewer system according to specifications of the agency having jurisdiction.
4. Storm Drainage: An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., 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.
5. 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.
6. Street Lighting: Provisions for street lighting shall be made in accordance to the specifications of the City Engineer or the agency having jurisdiction.

#### 5.7 Street Name Signs

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

## STORMWATER CONVEYANCE AND EROSION CONTROL

### **A. PURPOSE**

Stormwater management is 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 by regulating the alteration of land and topography, regulating the removal of vegetation, requiring revegetation, and reducing erosion and sedimentation through control requirements. The design criteria for stormwater conveyance structures and erosion control are outlined in this ordinance.

### **B. DEFINITIONS**

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

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

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

***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 stormwater runoff under an embankment.

***DETENTION or RETENTION.*** Delaying the rate of stormwater 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.

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

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

***EXCESS STORMWATER.*** That portion of stormwater runoff, which exceeds the capacity of the storm sewers or natural drainage channels serving a specific watershed.

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

***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.

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

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

**POINT DISCHARGE (OUTFALL).** Release of stormwater at a specific location.

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

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

**STORMWATER RUNOFF RELEASE RATE.** The rate at which stormwater runoff is released from dominate to servient land.

**STORMWATER STORAGE AREA.** An area designed to temporarily accumulate excess stormwater.

**SWALE.** Surface-type conveyance for stormwater usually designated to carry incidental, localized runoff.

**C. STORMWATER CONVEYANCE AND MANAGEMENT FACILITIES REQUIRED**

All development occurring within the city and its area of extraterritorial jurisdiction for subdivision regulations shall provide for properly sized stormwater conveyance facilities and shall contain on-site, or provide off-site stormwater management facilities capable of controlling increased runoff relative to its pre-developed condition (See Section E.4). Unless included in exemptions listed in Section E, no application for a preliminary or final plan of subdivision shall be approved unless it includes either a plan describing the manner in which stormwater 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 stormwater management plan addressing erosion, sediment and stormwater, or a documented request for a waiver thereof, has been approved.

**D. STORMWATER CONVEYANCE FACILITIES DESIGN CRITERIA**

The following criteria shall control when designing stormwater conveyance facilities:

1. 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.
2. Storm sewers and inlets. The design storm for the design of storm sewers and inlets shall be the twenty-five 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 twenty-five 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 8 minutes.

3. Entrance pipes and cross drains. The design storm for the design of entrance pipes and cross drains shall be the twenty-five 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 (4) of this section.
4. 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.
5. Erosion control. Plans for stormwater 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 section F of this ordinance should be used as design guides for erosion and sediment control).
6. Design certification. Design of all stormwater conveyance 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.

**E. STORMWATER MANAGEMENT FACILITIES DESIGN CRITERIA**

**As a minimum, the following criteria shall be followed when designing a stormwater management facility.**

1. 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..
2. The stormwater discharge point onto adjoining property may not be relocated without the permission of the affected adjoining landowner and the City of Murray.
3. If the stormwater discharge onto adjoining property is of a sheet flow nature before development, the stormwater 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.

4. 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.
5. When a property to be developed experiences upstream stormwater runoff onto the property the effects of that runoff under current conditions shall be included in the stormwater 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).
6. Design storm- Stormwater management facilities shall be designed to retain the difference in the pre-development and post-development 10-year and 25-year, 24- hour storm event.
7. 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 stormwater management facilities.
8. Design Calculations. Design calculations submitted must include, but not be limited to, the following:
  - (A) Contributing drainage area, in acres. Indicate if pre-development and postdevelopment areas differ.
  - (B) A breakdown of surface type for pre-development and post-development conditions (such as grassed, paved, roofed, and the like).
  - (C) Stage-storage curve for the proposed stormwater management facility.
  - (D) Stage-discharge curve for the outlet structure of the proposed stormwater management facility.
  - (E) Inflow and outflow hydrographs for pre-development and post-development conditions.
  - (F) Emergency spillway design calculations.
  - (G) Embankment design criteria as it relates to slope stability and compaction requirements during construction.
9. Stormwater management plan. The final stormwater management plan is shall include, but not be limited to, the following:
  - (A) All calculations, assumptions and criteria used in the design of the stormwater management facility.

- (B) All plans and profiles of proposed storm sewers and open channels including horizontal and vertical controls, elevations, sizes, slopes and materials.
  - (C) All plans will depict all contributing areas on the plans.
  - (D) Location, dimensions and design details required for the construction of all facilities.
  - (E) A description of the operation and maintenance needs for the stormwater management facilities.
  - (F) All information relative to the design and operation of emergency spillways.
  - (G) 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.)
  - (H) All deed restrictions, easements and rights-of-way.
  - (I) The ownership and maintenance responsibilities for all stormwater management 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.
    - (1) Stormwater detention facilities that are not maintained in proper working condition will be subject to corrective action by city forces along with appropriate fees and fines.
    - (2) The property owner shall be responsible for maintaining the stormwater detention facilities on the property, unless a maintenance agreement exists with multiple property owners for a regional detention facility.
10. Exemptions. Exemptions from the Stormwater management requirement contained herein shall be granted to the following:
- (A) All existing residentially subdivided property developments excluding sites to be used or developed as a residential planned development project.
  - (B) Residential subdivisions or residential planned development projects where minimum lot size is greater than five acres.
  - (C) Any nonresidential development for which the area paved and under roof is less than 7,500 square feet.
  - (D) 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.

11. Design certification. Design of all stormwater management and conveyance facilities shall be prepared and stamped by a licensed professional engineer (Kentucky registration required).
12. Construction certification. Prior to final approval of the development or issuance of certificate of occupancy, the licensed professional engineer must submit certification that the stormwater management and conveyance facilities were constructed in accordance with the approved plan. Final approval shall also provide evidence of the recording of all stormwater conveyance and management 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.
13. Ownership, operation and maintenance of detention systems:
  - (A) For commercial, industrial and multifamily residential developments, ownership and maintenance responsibilities remain with the property owner/developer.
  - (B) For single family residential subdivisions, the city may at its discretion accept ownership and maintenance responsibilities; provided, that:
    - (1) Construction and certification is in accordance to the approved plan; and
    - (2) Appropriate land dedication and easements are provided, including adequate public ingress and egress from the facility to a public street.

**F. EROSION CONTROL**

1. *Permit required.* Prior to any person engaging in a land disturbance activity within the corporate boundaries of Murray 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.
2. *Contents of sedimentation and erosion control plan.* Contents of sedimentation and erosion control plan shall include:
  - (A) The size, finished and existing slope, and location of any cut or fills.
  - (B) A general description of the predominant soil types to be disturbed as indicated by the area soil and water conservation district or other reliable sources.
  - (C) The general location and size of the land area to be disturbed and the extent to which the vegetation and topsoil will be removed.
  - (D) The general location, volume and type of soil or other materials to be used for fill in areas other than the roadway.
  - (E) Location and description of existing natural features on the site such as contours, vegetation, and drainage ways.

- (F) Measures that will be taken to contain the sedimentation to the subject property, both during and after construction.
  - (G) Measures that will be taken to limit erosion of the subject property both during and after construction.
  - (H) The approximate length of time that specific portions of the proposed development will lie unvegetated, including the approximate date it will be disturbed and the approximate date it will be reseeded or planted.
  - (I) The type of plant material that will be planted, the approximate time frame for planting and the persons who will be responsible for the planting.
3. *Review of plan.* The City Engineer shall review the sedimentation and erosion control plan. The plan will be approved and a permit issued if he finds that it complies with the following land disturbance activity standards.
- (A) Land disturbance activities shall be done in a manner which will minimize soil erosion:
    - (1) The extent of the disturbed area and the duration of its exposure shall be kept within reasonable limits.
    - (2) 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 reasonable constructed with less alteration of the natural terrain.
  - (B) 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.
  - (C) When feasible, natural vegetation shall be retained, protected and supplemented.
  - (D) Topsoil shall be saved where practical and reapplied to the site after grading has been finished.
  - (E) Provisions shall be provided which minimize the damage from surface water to the cut face of excavations or the sloping surface of fills.
  - (F) Disturbed soils shall be stabilized as quickly as possible; however, no area shall be left disturbed for more than thirty (30) days.
  - (G) Temporary seeding, mulching or other suitable methods of stabilization shall be used to protect exposed areas which have been disturbed longer than thirty (30) days.
  - (H) Water runoff shall be minimized and retained on-site, wherever possible, to facilitate groundwater recharge and reduce erosion.
  - (I) Measures shall be taken to contain as much sedimentation as practical on-site:

- (1) 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.
- (2) All required sedimentation and erosion reduction measures and structures shall be in place prior to any land disturbance.
- (3) Sedimentation shall be kept out of sinkhole throats/outlets.
- (4) 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.
- (5) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- (6) No mud, gravel, debris, etc., shall be allowed to accumulate or collect, or be deposited onto public streets or washed into storm drains.
- (J) The type of stabilization or revegetation shall be appropriate for the slope and soil type of the site.
- (K) Provisions shall be made for reseeding areas which do not vegetate the first time.
- (L) Difficult areas, such as ditch lines and other slopes may have to be sodded or stabilized in some other approved manner.

The City Engineer shall review the plan within thirty (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 (10) days of the denial and the applicant shall be entitled to a hearing before the Planning Commission within thirty (30) days of the date of appeal.

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

4. Exemptions from this permit.

The following land disturbance activities are specifically exempt from this article:

- (A) Land disturbance associated with existing one and two family dwelling.
- (B) Use of land for home gardening
- (C) 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.

(D) Land disturbance activities covered under an approved subdivisions 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.)

5. Existing unvegetated and eroded areas.

All existing unvegetated areas within the city shall submit and have approved a sedimentation and erosion control plan and possess a land disturbance permit. 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.

**G. 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.

**H. PENALTY**

Any person who is subject to the regulations of this chapter 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 expensed incurred in any enforcement proceedings.

## ARTICLE VI

### PROCEDURE FOR APPROVAL OF LAND TO BE SUBDIVIDED

#### 6.1 Approval of Subdivision Plat Required

1. Approval Needed before Recording: No plat of a subdivision for land shall be recorded by the Calloway County Clerk until the plat has received final approval by the Commission.
2. 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.
3. 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 use to be used privately shall not be issued until the subdivision plat has received final approval and is recorded with the Calloway County Clerk.

#### 6.2 Major or Minor Subdivision

1. 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.
2. Minor Subdivision: Minor subdivision 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 Section 6.4 – 1G of this Ordinance. A vicinity map shall also be placed on this plat.
3. 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 over-ride the decision of the administrative officer.

#### 6.3 Plat Review Charge

1. 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 of Murray in the amount of \$15.00 for preliminary and each final plat.
2. 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 \$50.00 shall be charged each developer or subdivider for such called meeting. This \$50.00 fee shall include the stated review fees indicated under paragraph 1 above.

#### 6.4 Preliminary Plat Required

1. Information to be Placed on the Preliminary Plat: The preliminary plat shall meet the design standard as set forth in Article IV. It shall meet the following requirements:
  - A. It shall be drawn on paper of a size 24" x 36". More than one sheet may be used.
  - B. It shall be drawn at a scale of 200 feet to one (1) 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 (Form A), 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 Service (Form B)
      - (b) Certificate of Availability of Sewerage Service (Form C)
  - F. The following shall appear on the preliminary plat:
    - (1) The names of adjacent property owners and subdivisions shall be shown, along with interesting property lines.

- (2) Contours at an interval of not greater than five (5) 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 distance.
- (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.

#### 6.5 Subdivision of a Portion of a 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.

#### 6.6 Procedure for Preliminary Plat Approval

1. 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.
2. 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.

3. 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.
  4. Three (3) 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 (10) days prior to the meeting of the Planning Commission at which it is to be considered.
  5. Within ninety (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 ninety (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 (2) copies of the Preliminary Plat with any notations made at the time of approval or disapproval of the specific changes required. One (1) copy shall be returned to the subdivider and the other retained by the Planning Commission.
  6. 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 (1) year from the date of such approval. An extension of time may be applied for by the subdivider and granted by the Planning Commission.
- 6.7 Construction Required or Bond or Cash Shall be Posted Before Final Plat Can be Considered for Approval

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 of Murray. The amount of the security bond, cash, or certified check shall be determined by the Murray Planning Commission.

#### 6.8 Final Plat Required

1. 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:

The Final Plat:

- A. It shall be drawn on paper of a size 24"x36". More than one sheet may be used.
- B. It shall be drawn at a scale of 100' 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 subdivision
  - (2) Name and addresses of 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) Graphic scale
  - (7) True north point
- D. On a final plat, blocks containing the following certificates shall be placed on the right hand side or lower edge of the plat.
- (1) Certificate of Ownership and Dedication (Form D)
  - (2) Certificate of Accuracy (Form E)
  - (3) A certificate of Approved Water and Sewerage System (Form A) shall be placed on plat
  - (4) When connections to public water and sewerage lines are made, the following shall be placed on the plat:
    - (a) Certificate of Availability of Water Service (Form B)
    - (b) Certificate of Availability of Sewerage Service (Form C)
  - (5) Certificate of Approved Streets and Utilities as Constructed or proposed, or that bond, cash, or check has been posted (Form F)
  - (6) Certificate of Approval of Recording (Form G)
- E. 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 shall be given as they relate to the triangulation points as established in Section 502 – 1 of this Ordinance.
- F. The location and description of all other corner monuments and lot monument shall be given.
- G. The following information shall be given and shown on the plat with accurate dimensions to the nearest one-hundredth of a foot:
- (1) Tract boundary lines
  - (2) Right-of-way lines of streets
  - (3) Easements; proposed and existing
  - (4) Other rights-of-way
  - (5) Property lines of residential lots and other sites
  - (6) Minimum building setback lines
  - (7) Frontage dimensions

H. The following information shall be given and shown on the plat to the nearest minute:

- (1) Bearings or deflection of angles
- (2) Radii, arcs and central angle of all curves and intersections.

I. The following information shall also be shown:

- (1) Name and right-of-way width of each street, easement, or other right-of-way
- (2) Lot numbers and proposed street numbers
- (3) 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 intersection property lines.

2. Profile Sheets Required: Separate plan and profile sheets shall be required. These plan and profile sheets must be prepared by a registered professional engineer and/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 one hundred (100) feet horizontally and one inch equals ten feet vertically, and typical street cross sections.

6.9 Procedures for Final Plat Approval:

1. 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 (Form D) shall appear on the Final Plat.
2. 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 (Form E) shall appear on the plat.
3. 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 (Form A).
4. 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 (Form B).

5. 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 (Form C) shall appear on the Preliminary Plat.
6. 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 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 (Form F).
7. Construction on the required improvements or approval of the Final Plat when security is posted shall be required within one (1) year after the preliminary plat is approved after such time a preliminary plat shall be required.
8. The original plat and six (6) 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 (10) days prior to the meeting at which it is to be reviewed.
9. Within ninety (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 ninety (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.
10. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public way, or ground.
11. 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.

#### 6.10 Improvements Made Under Bond or Other Security

1. 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 eighteen (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.

#### 6.11 Acceptance and Dedication of Streets

##### 1. Required Construction Completed

- A. Release of Bond, Cash, or Check: The City of Murray may release the security bond or cash only with the recommendation of the Murray Planning Commission that the City of Murray accept the dedication of the streets and other public grounds in the subdivision in question.
- B. 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 Section 6.8, paragraph 2 – Profile Sheets Required.
  - 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 Murray Subdivision Regulations and Zoning Regulations have been met.

##### 2. Failure to Install Improvements – Conditions for Accepting Public Improvements

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.

Additional Building Permits Shall Not be Issued: If such action is taken, no new Building Permits or Certificate of Occupancy shall be issued until all improvements are installed properly as determined by the Planning Commission.

## ARTICLE VII

### VARIANCES AND PENALTIES

#### 7.1 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, however, 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.

#### 7.2 Variances for Design Innovations 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 Murray Zoning Ordinance shall not be reduced.

#### 7.3 Variances in Conflict with the Zoning Regulation

When a variance from the Subdivision Regulations is granted, as such variance is also a variance from the Murray Zoning Ordinance, 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. The Board of Adjustments shall have jurisdiction only where the Murray Zoning Ordinance is in effect, and shall follow the procedure set forth in the Murray Zoning Ordinance.

#### 7.4 Violation and Penalties

1. 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.

2. Penalties: Any subdivider, County Court Clerk, public official, or other person who does not comply with the Murray Zoning Ordinance, Revised Statutes 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:
  - A. Injunctions: The Planning Commission may apply for an injunction against any type of subdivision construction by a subdivider or a landowner.
  - B. Building Permits: The Planning Commission may direct the Building Inspector not to issue building permits in the subdivision in question.
  - C. 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 fined not less than ten (10) dollars but not more than five hundred (500) dollars for each conviction. Each day of violation shall constitute a separate offense.

## ARTICLE VIII

### AMENDMENTS AND LEGAL STATUS

#### 8.1 Amendments

The Planning Commission may recommend to the Murray 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 Kentucky Revised Statutes, Chapter 424. It shall then make its recommendations of the Planning Commission.

#### 8.2 Legal Status

1. Conformance with zoning and other Regulations: No Final Plat of land within the area of force and effect of an existing zoning Ordinance will be approved unless it conforms to such Ordinance. Wherever there is a discrepancy between the minimum standards set forth in these regulations and those contained in the Zoning Ordinance, building code, or other official regulations, the highest standards shall apply.
2. Separability: Should any section, subsection, paragraph, or provision of these regulations be held invalid or unenforceable by a court of competent jurisdiction, such decision shall in no way affect the validity of any other provision of these regulations.
3. Previous Regulations: Any previous Subdivision Regulations adopted by the Planning Commission are hereby repealed.

