

**EDMONSON COUNTY  
PLANNING COMMISSION  
LAND DEVELOPMENT  
REGULATIONS**

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## ARTICLE I

### ENACTING CLAUSE AND ADMINISTRATIVE PROVISIONS

1.01 Enacting Clause

The Edmonson County Planning Commission adopts the Land Development Regulations for Edmonson County this the 14<sup>th</sup> day of January, 1999.

1.02 Title

These regulations shall be known as the “Land Development Regulations of Edmonson County, Kentucky.”

1.03 Purpose

These Land Development 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 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 Land Development Regulations are in force.

1.04 Administration

The Land Development Regulations of Edmonson County, Kentucky, shall be administered in the manner hereinafter after prescribed by Edmonson Planning Commission (which may be referred to herein as “Planning Commission”).

1.05 Jurisdiction

The Land Development Regulations of Edmonson County shall govern all subdivision of land within the boundaries of Edmonson County in accordance with Kentucky Revised Statutes.

## **ARTICLE II**

### **DEFINITIONS**

For the purpose of these Land Development Regulations certain terms and words shall be used and interpreted as defined hereafter and in Kentucky Revised Statutes, Chapter 100, as amended. In the event there is any difference between the definition contained herein and the definition in Kentucky Revised Statutes, Chapter 100, as amended, the definition in the latter shall control. 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 discretionary.

- 2.01 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.
- A. 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 or major arterial.
  - B. 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.
- 2.02 Accessory Structures: 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.
- 2.03 Accessory Use: Any use, other than the principal use, directly incidental to or required for the enjoyment of the permitted use of any premises.
- 2.04 Administrative Officer: The Administrative Officer is that individual appointed to administer the Land Development Regulations of Edmonson County. He/she may be known as the Building Inspector, Codes Enforcement Officer, Codes Administrator, or various other titles descriptive of his work unless otherwise stated in this or any other regulation or Ordinance.
- 2.05 Agricultural Use: Means the use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings and persons and their families who are engaged in the above agricultural use of the tract, but not including residential building development for sale or lease to the public.

- 2.06 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 sides of the block.
- 2.07 Buildings: 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.
- 2.08 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.
- 2.09 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 it is situated.
- 2.10 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.
- 2.11 Lot: A 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 these Regulations, and having its principal frontage on a street.
- A. Corner Lot: A lot which abuts on two intersecting streets at their intersection.
- B. Double-Frontage Lot: Any lot other than a corner lot which abuts on two streets.
- 2.12 Mobile Home: A transportable dwelling unit suitable for year-round occupancy which is manufactured on a chassis or undercarriage as an integral part thereof, containing facilities for water, sewage, bath, and electrical conveniences. (The definition in KRS 219.320 (3), as amended, shall prevail.)
- 2.13 Mobile Home Park: A parcel of land under the control of any person, available to the public in which two or more mobile home lots are occupied or intended for occupancy by mobile homes and includes any service building, structure, enclosure, or other facility used as a part of the park. (The definition in KRS 219.320 (5), as amended, shall prevail.) Prepared and approved according to the procedures set forth in Article 3.02 of the Regulations.
- 2.14 Major Subdivision: The subdivision of land into six (6) or more lots.
- 2.15 Minor Subdivision: The subdivision of land into five (5) lots or less, which does not require the construction, improvement, and widening of streets or the major construction of utility lines and other public services.
- 2.16 Minor Plat: The plat of a minor subdivision.

- 2.17 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.
- 2.18 Street: Any vehicular way, but excluding private driveways serving only one parcel of land.
- A. Alleys: Streets used primarily for vehicular service access to the backs or to the sides of properties which otherwise abut on streets.
  - B. Arterial Streets: Streets designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic.
  - C. Collector Streets: Streets which carry or will carry intermediate volumes of traffic from minor streets to arterial streets.
  - D. Cul-de-sac: A minor street which has only one outlet to other streets; a street which dead-ends.
  - E. 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.
  - F. Minor Streets: Streets used or that will be used primarily for access to abutting properties and which carry or will carry limited volumes of traffic.
- 2.19 Subdivision: The division of a parcel of land into three (3) or more lots or parcels for the purpose, 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 use 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: any division or re-division of land into parcels of less than one (1) acre occurring within twelve (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section. (The definition in KRS 100.111, as amended, shall prevail.)

# ARTICLE III

## GENERAL PROVISIONS

### 3.01 General Requirements

The Planning Commission shall impose the following general requirements and compel all sub-dividers 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) Sinkholes

Sinkholes and other similar depressions and the area within twenty-five (25) feet from the lowest point of said sinkhole or that area subject to periodic flooding, whichever is greater, shall be preserved in its natural state for the purpose of providing drainage of the surrounding area. No building, streets or any other improvement shall be made within the given area around a sinkhole. If new sinkholes are found the developer shall be responsible for repair to sinkhole(s) as necessary to support infrastructure and unsold lots. The Planning Commissions shall have the power to increase the area around the sinkhole if drainage conditions warrant such action. The sinkhole may be “punched” or otherwise altered to improve drainage.

(b) Flood Hazards

Land subject to flooding shall not be platted for residential use or for any other use which may increase the danger of health, life, or property or aggravate erosion or flood hazards. Such land within the subdivision shall be set aside on the plat for such uses as will not be endangered by periodic or occasional inundation or will not result in conditions contrary to the public welfare. To insure that lot will be located only where they will provide flood-free house sites, the Planning Commission may require the subdivider to provide elevation and flood profiles sufficient to demonstrate that the house will be safe from flooding. Planning Commission will use current 100 year flood plain or existing FEMA Maps to evaluate flooding potential.

(c) 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 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 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 re-subdivision.

3.02 Special Regulations

A. Mobile Homes and Mobile Home Parks

(1) Definitions: The definition of terms used in this article shall be those set forth in KRS 219.320-219.410 and 219.991 as amended.

B. Multi-building Development

(1) Compliance with these Regulations: Where multi-building development occurs, the developer must establish lot line for each principal building and lot. The developer must establish setback lines to meet all requirements of these regulations and other applicable requirements. Preliminary and final plats shall be presents to the Planning Commission in accordance with these regulations.

(2) Variance: A variance from these regulations may be granted for multi-building development if it is shown that the land in question cannot 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 provisions of the Edmonson County Planning Commission Land Development Regulations, regarding variances, 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:

#### 4.01 Streets

A. Conformity to the Major Street Plan

All streets in a proposed subdivision will conform to the standards set forth in these regulations.

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 15' x 15' foot box on each side of the road.

(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 required in these regulations for a street in its category.

D. Dedication of Right of Way

(1) New Streets

The dedication of right of way for new streets measured from lot line to lot line shall meet the following standards:

Arterial	60 feet
Collector	50 feet
Minor Streets-Through Streets	50 feet
Minor Streets-Local Streets	50 feet
(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 family dwelling units.)	
Marginal Access	50 feet
Alleys	24 feet

- (2) Maximum Dedication  
The Edmonson County Planning Commission Land Development Regulations may indicate 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 sixty (60) feet for any one street.
- (3) Arterial Streets with Controlled Access  
All streets classified as arterial streets by the Edmonson County Road Management Plan may be considered as limited access in accordance with the Kentucky Revised Statutes 177.220 to 177.310 as amended, 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 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 be provided at the closed end with a turnaround having a radius at the right of way of at least fifty (50) feet.
- (6) Increased Right of Way Necessary  
If the Planning Commission deems it necessary street rights of way through commercial districts or present or proposed business areas shall be increased ten (10) feet on each side.
- (7) Extraordinary Physical Conditions

If the Planning Commission deems it necessary where extraordinary physical conditions exist right of way requirements may be altered.

- (8) 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.
- (9) Conflict Traffic or Land Use  
When a proposed subdivision contains, or is adjacent to an existing or proposed railroad right 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 street platted within a subdivision
- (2) There shall be no reserve strips in 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 declaration lanes are considered as parts of one street approach.
- (2) 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.
- (3) Radii at Intersection  
Street curb and edge intersections shall be rounded by radii of at least twenty (20) feet.
- (4) Street Jogs  
Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be made.

G. Horizontal Curves

(1) Reverse Curves

A tangent at least one hundred (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 (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 Radius</u>	<u>Minimum Curve</u>
Arterial	300 feet
Collector	300 feet
Minor	100 feet

H. 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.

(a) Values for Crest Curve:

Arterial and Collector Streets	50
Minor Streets	28

(b) Values for Sag Curve:

Arterial and Collector Streets	50
Minor Streets	35

I. Street Grades

(1) Maximum Grades

Street grades shall conform to the following:

<u>Street Type</u>	<u>Percent Grade Allowable</u>	<u>Maximum Desirable</u>
<u>ALL</u> Not to exceed	12	8

(2) Grades for Drainage

All streets shall be designed so as to provide for the discharge of surface water 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.

(3) Excessive Grades at Intersection

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.

J. Street Elevations

(1) Streets Shall be Flooded Free

The Planning Commission shall not approve any 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. If such conditions exist, the Planning Commission shall require profiles and elevations of streets in order to determine the advisability of permitting the proposed subdivision activity, predicated on 100-year floodplain.

(2) Fills

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

K. Access of Lots

(1) Lots on or Near Arterial Streets

Access to lots abutting only on arterial right of way shall conform to Section 4 of this regulation, but in no case shall the access be closer than one hundred twenty-five (125) feet from an intersection. A lot which abuts a street which intersects an arterial street shall have access only to the non-arterial street at a distance of not less than seventy-five (75) feet from the intersection.

L. 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.

- (3) New street names shall be approved by the Planning Commission.

#### 4.02 Blocks

##### A. Length

Block lengths shall not exceed twelve hundred (1,200) feet or be less than four hundred (400) feet, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street layout.

#### 4.03 Lots

##### A. Relationship of Streets

All lots shall front on a public street or road for a minimum distance of one hundred (100) feet except that lots which front on the turn-around of permanent dead-end streets or on curves, shall front on such turn-around or curves for a minimum distance of fifty (50) feet.

##### B. Development of Hazardous Areas

When lots are located on land which is subject to flooding, subsidence, or other hazard 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 suitable for development and disapprove such plans to develop or subdivide such lots.

##### C. Lot Lines

Side lot lines shall generally 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.

#### (1) Lot Dimensions Shall Comply to the Zoning Ordinance

##### (a) 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 width at the building setback line, and a minimum lot area as determined by the County Health Officer based on site evaluation and other health factors. However, in no case shall a lot not served by public sewer be less than one hundred (100) feet in width at the building setback line and not less than  $\frac{3}{4}$  acre (32,670 square feet) in area.



(b) 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 sewage system, and the depth of ground water.

E. Building Setback Line

(1) Required Setback Line

Where the Zoning Ordinance is not in effect the building setback line, or all lots, including double-frontage and corner lots, shall be no less than twenty-five (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 (10) feet from the established setback lines, but shall not be closer to the street right of way than the established building line. Permission may 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 ninety (90) 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 located where no zoning ordinances is in effect shall be as follows; all distances from right of ways and any easement lines;

Front Yard	25 feet
Rear Yard	25 feet
Side Yard	15 feet

4.04 Off-Street Loading and Parking Facilities

A. Required Off-Street Parking in Accordance with the Zoning Ordinance

Off-street parking shall be provided in accordance with the Edmonson County Comprehensive Land Use Plan. 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 purpose of computing the number of spaces available in a given area, a standard vehicular parking space shall be computed as an area containing 400 square feet. Additional area will be required in order to provide vehicle maneuvering space, access and egress.

B. The Off-Street Parking Standard Where the Zoning Ordinance is Not in Effect.

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or alley. The following are the minimum requirements for specific uses:

- (1) Dwelling - two (2) spaces for each family dwelling unit.
- (2) Apartment Buildings - two (2) spaces for each housing unit.
- (3) Rooming Houses - one (1) space for each two (2) rooms occupied, or intended for occupancy by roomers, in addition to the requirements of Subsection A above.
- (4) Tourist Accommodations - one (1) space for each room offered for tourist accommodation, (plus one space for each employee on duty at any time).
- (5) Restaurants and Boarding Houses - one (1) space for each room offered for tourist accommodation, (plus one space for each employee on duty at any time).
- (6) Theater, Auditorium, Church, or Other Place of Public Assembly - one (1) space for each four (4) seats available at maximum capacity.
- (7) Commercial or Business Buildings - four (4) spaces for the first one thousand (1,000) square feet of floor space, and one additional space for each two hundred fifty (250) square feet or such; floor space, or as specified by the Planning Commission.
- (8) Office and Professional Buildings - one (1) space for each employee whose basic duties are carried out inside the building, and two (2) spaces for each one hundred (100) square feet of waiting room or customer service area.
- (9) Industrial Plant - one (1) parking space for each employee on a single shift plus one (1) space or each truck or car operated by the business. The Planning Commission may require additional parking spaces, as it deems necessary.
- (10) Trailer or Mobile Home Parks - two (2) spaces for each mobile home lot or unit, plus one-fourth (1/4) space for each mobile home lot. This additional parking

may be in a central location. Combined uses (such as tourist accommodation and restaurant) shall meet minimum requirements for both uses.

C. Off-Street Loading and Unloading Regulations for Trucks

Where a Zoning Ordinance is not in effect all buildings and uses, which generate regular trucking traffic shall be provided with sufficient off-street loading and 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.

D. Additional Parking, Loading and Unloading Regulations

Where a 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 maybe located within four hundred (400) feet from the premises it serves, but detached therefrom, or may be consolidated into a 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 designated areas with an all-weather surface.

4.05 Utility and Drainage Easements

A. Except where alleys are permitted for the purpose, the Planning Commission shall require easements at least ten (10) feet in width along frontage lot lines for poles, wires, conduits, storm sewers, sanitary sewers, water mains, heat mains, and other utility facilities.

Where necessary or advisable in the opinion of the Planning Commission, similar easements shall be provided alongside lot lines or access lots.

B. If a stream flows through or adjacent to the proposed subdivision, 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 improvements to enable them to carry all reasonable floods within banks.

C. Connection to Existing Easements

When necessary, utility and drainage easements shall connect with existing easements on adjoining properties.

#### 4.06 Community Facilities Design Standards

##### A. Assessing the Need for Community Facilities

During the review of subdivision plats the Planning Commission considers 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 consider action to dedicating or reserving land for facilities which will be needed in a subdivision – such as public schools, open spaces and public access to water ways and other facilities.

## ARTICLE V

### CONSTRUCTION REQUIREMENTS

#### 5.01 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 engineers(s), or contractor(s) and approved by the Planning Commission. In lieu of such prior construction, the Planning Commission may accept a security bond, or certified check, or letter of credit from a bank designated to the appropriate or county agencies in an amount equal to the certified estimated cost of installation of the required improvements in accordance with Section 6 of this regulation.

#### 5.02 Delineation of Subdivision and Lots

##### A. Monuments

##### (1) 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 major perimeter deflection points 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 feasible by the Planning Commissions these monuments shall be described on the Final Plat System of the Commonwealth of Kentucky until such time that 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 authorized persons.

##### (2) Iron Pin Monument

Iron pin monuments five-eighths (5/8) inch in diameter and at least eighteen (18) inches long shall be placed at all lot corner. These pins shall be placed only after all grading and other construction have been completed. A guard stake shall be placed next to each pin with the lot.

#### 5.03 Street Construction

##### A. Grading Specifications

All streets, road, and alleys shall be graded to their widths by the subdivider so that pavements and sidewalks can be constructed on the same level plane. Deviation from this standard due to special topographic 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 first be cleared of all tree stumps, roots, brush, and other objectionable material 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 materials, 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. 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 of trash and other foreign objects.

B. Minimum Pavement Widths

(1) Pavement widths shall be measured between curbs. Minimum pavement widths to be provided are:

Arterial Streets	18 feet
Collector Streets	18 feet
Minor Streets	18 feet
Through Local Streets	18 feet
(Cul-de-sacs less than four hundred (400) feet with only single dwelling units and loop street “off collectors less than two thousand (2000) feet around” with only single family dwelling units.)	
Marginal Access Streets	18 feet
Alley	14 feet

(2) Entries to any subdivision which enter from a state or federal aid highway must have an entry width of not less than twenty-four (24) feet and must be at least one-hundred (100) feet in depth from the highway edge; a fifteen (15) foot turning radius must exist at the highway edge.

C. Cul-de-sac Pavement

The pavement of the turn-around of a cul-de-sac shall have a minimum inside radius of thirty (30) feet.

D. Pavement Specifications for Street

The subdivider shall provide street pavements which shall be designed to carry the expected traffic loads and which shall conform with the Kentucky Department of

Highway's current standard specification for concrete pavement for bituminous concrete pavement. All street pavements shall be of a "dust-free" type. Loose aggregate will not be considered a completed pavement.

E. Curbs and Gutters

(1) When the Subdivider Provided Curbs and Gutters

Curbs shall not be less than six (6) inches in height and shall be constructed of concrete. Back fill shall be higher than the curb in order to insure that surface water drains into the storm drainage system.

(2) 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 one hundred (100) feet in width at the building line.

(3) Requirements when Curb and Gutter are Waived

(a) 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 ten (10) feet or more from the edge-of-metal marker on an arterial street. On other streets, the drainage ditch line shall be five (5) feet from the edge-of-metal marker. The shoulder, ditch and remaining right of way shall be seeded to perform until an acceptable stand of grass is maintained from the edge-of-metal marker to the right of way line.

(b) Access Points

Access to lots along streets where drainage ditches are used shall be either by a spill or over a culvert.

(i) Use of a Spill

Where a spill is used, it shall be so designed as to prevent water from crossing the ditch. At the ditch line, the spill shall be at least six (6) inches below the street pavement right of way line and constructed to allow the free flow of water through the ditch. The spill shall be constructed of at least six (6) inches thick and it shall start at the edge-of-metal marker and may stop at the right of way line.

(ii) Use of a Culvert

Where a culvert type access is used, an opening of at least fifteen (15) inches shall be made under the access at the ditch line. The appropriate county officials may require a greater opening when necessary. Bulkheads shall be constructed on each side of the opening to prevent erosion and collapse. The opening shall be constructed so as to maintain the flow of water in the ditch. Steps shall also be taken to prevent the flow of water over the access either from the lot to the street or from the street to the lot.

#### 5.04 Sidewalk Construction

For the safety of pedestrians in residential and commercial subdivisions, the subdivider may be required to build concrete sidewalks within the street right of way on both sides of the street to meet the following specifications:

##### A. Required Width and Size

(1) Single-family or Duplex Housing Developments

Three (3) feet wide and four (4) inches deep.

(2) Multi-Family Developments

Four (4) feet wide and four (4) inches thick.

(3) Commercial Developments

Six (6) feet wide and four (4) inches deep.

##### 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 outside of the marginal may be required on access streets.

##### C. Sidewalks Adjacent to Streets

Sidewalks within five (5) feet of the pavement shall be built at an elevation at or above 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.

##### 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 (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 pavement.

##### E. Sidewalks Not Necessary

The Planning Commission may waive the requirements for sidewalks in single family unit developments where it is shown that sidewalks are not needed for the safety of pedestrians, and where lots are at least one hundred (100) feet wide at the building line.



5.05 Building Site Construction

- A. Flood Hazard  
Adequate drainage and water diversion shall be provided as not to negatively affect joining properties.
- B. Emergency Access  
Each building site shall be so situated that access can be provided for emergency vehicles.
- C. Use of Fill  
Any fill used on a building site shall be free of all debris and non-decaying foreign matter.

5.06 Utilities and Drainage Facilities

- A. General Requirements for Installation of Utilities  
When it is necessary to install utilities in street rights of way, the following requirements shall apply:

After grading is completed and approved, and before any pavement base is applied, all of the in-street underground work, water mains, gas mains, etc., and all service connection 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 areas the subdivider may be allowed to omit the installation of service connections provided that at such time 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 cases where underground utilities must be provided within the right of way of streets, they should be installed prior to construction under the paved portions of streets.

- B. Water Supply System  
The sub-divider shall construct a complete water distribution system according to the specifications of the agency having jurisdiction which shall adequately serve all lots. Where six inch water mains or larger are installed and meet the appropriate flow rate required to install a fire hydrant, fire hydrants with a 5 1/4" valve opening shall be connected to the public water supply for gravity flow only and used by the agency with jurisdiction for flushing the water main. Fire hydrants shall be spaced so that every structure has a fire hydrant within 500 feet. In subdivisions that have less than 6" water

mains installed, a post hydrant (fill hydrant) with a 2 1/4" valve opening shall be installed at the end of the water main. Post hydrants may be utilized by fire departments for gravity flow only to fill trucks and used by the agency with jurisdiction for flushing the water main.

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 adequately serve all lots and connect the subdivision system to the public system after the appropriate official has approved the size of the lines.

Where lots cannot 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 (in accordance with Article 4 of these Regulations) or construct a complete sanitary sewer system according to specifications of the agency having jurisdiction. In the case of installation of septic tanks and disposal fields, the minimum lot size shall be no less than ¾ acre (32,670 square feet).

D. Storm Drainage

An adequate drainage system including necessary open ditches, pipes culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross-drains, at least fifteen (15) inches in diameter, shall 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 appropriate county official or the agency having jurisdiction.

E. Electric Supply System

Provisions shall be made in every subdivision for a satisfactory electric supply system.

5.07 Street Name Signs

The Planning Commission shall require the installation of durable street name signs and other traffic control signs at all intersections, as required by county specifications.

## ARTICLE VI

### PROCEDURE FOR APPROVAL OF LAND TO BE SUBDIVIDED

#### 6.01 Approval of Subdivision Plat Required

A. Approval Needed Before Recording

No plat of a subdivision of land shall be recorded by the Edmonson County Clerk until the plat has received final approval by the Planning Commission and the approval entered thereon in conformity with the Kentucky Revised Statutes.

B. No Subdivision of Land Before Approval and Recording

No person, corporation, or other legal entity or agent thereof 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 the Office of the Edmonson County Clerk.

C. Approval Needed for Building Permit

Where land is being subdivided, a building permit for the construction of any multi-family building shall not be issued until the subdivision plat has received final approval and is recorded with the Edmonson County Clerk.

#### 6.02 Major or Minor Subdivision

A. Major Subdivision

A subdivision of six (6) or more lots shall be required to have both preliminary plat and final plat approval before it can be recorded.

B. Minor Subdivision

Minor subdivisions of three to five (3-5) 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 plat approval. A vicinity map shall also be placed on the 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, a signature in compliance with Kentucky Revised Statutes shall still be required before a plat can be recorded. The Planning Commission may over-ride the decision of the Administrative Officer.

6.03 Plat Review Charge

A nonrefundable 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 provide the Planning Commission, checks payable to the Edmonson County Planning Commission for the charge in accordance with fees set by the Planning Commission.

6.04 Preliminary Plat Requirements

A. Format

The Preliminary Plat shall be filed and shall meet the design standards as set forth in Article IV. It shall meet the following requirements:

- (1) It shall be drawn on paper of a size 18" x 24" or 24" x 36". More than one sheet may be used.
- (2) It shall be drawn at a scale of two hundred (200) feet to one (1) 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 address of the owners
  - (c) The name of the surveyor and his/her seal or stamp and current license number
  - (d) Acreage of land to be subdivided
  - (e) The date
  - (f) A graphic scale
  - (g) North point
  - (h) Legal source of title for the property, including name of current owners, deed book and page number and date of the deed.
  - (i) Designation as a Preliminary Plat above the name of the subdivision in large letters.
- (4) A vicinity map at a scale of one thousand two hundred (1,200) feet to an inch or larger shall be placed in the upper left hand corner. It shall show the approximate location of the subdivision to major streets, streams, easements, or other development.

B. Site Data and Proposed Design

- (1) The names of adjacent property owners and subdivisions shall be shown, along with intersecting property lines.
- (2) Boundary lines of area to be subdivided and their bearings and distances.
- (3) Existing and proposed easements and their locations, widths, and distances.
- (4) Streets and easements on, and adjacent to the tract and their names, widths, approximate grades, and other dimensions a may be required.
- (5) 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.
- (6) Lot lines and lot numbers.
- (7) Sites and their acreage, if any, to be reserved or dedicated for parks, playgrounds, schools or other public uses. Sites, if any, for semipublic, commercial, or multi-family uses.
- (8) Minimum Building setback lines.
- (9) Protective covenants shall be placed directly on, or attached to the Preliminary Plat.

C. Certifications

The blocks containing the following certifications or reviews shall be placed on the right hand side or lower edge of the plat:

- (a) When connection of public sewerage and/or water systems is proposed, the following certificates shall also be place on the plat.
  - (1) Certificate of Availability of Water Services (FORM B)
  - (2) Certificate of Availability of Sewage Disposal Services (FORM C)
- (b) Certificate of Availability of Electric Service (FORM D)
- (c) Review by the Health Department (FORM E)

6.05 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.

6.06 Procedure for Preliminary Plat Approval

- A. The subdivider shall obtain and complete an Application for Subdivision Development (FORM A) at the County Judge/Executive's Office.
- B. The subdivider shall obtain the following certifications and reviews from the appropriate agencies:
  - (1) The Preliminary Plat shall receive the approval of the appropriate authority of the agency or utility company supplying water services prior to company supplying water services prior to consideration by the Planning Commission if a connection to a public water line is proposed. A Certification of the Availability of Water Services (FORM B) shall appear on the Preliminary Plat.
  - (2) The Preliminary Plat shall receive the approval of the appropriate authority of the agency or utility company supplying sewage disposal services prior to the consideration of the Planning Commission, if a connection to a public sewage system is proposed. A Certification of Availability of Sewage Disposal Services (FORM C) shall appear on the Preliminary Plat.
  - (3) The Preliminary Plat shall receive the approval of the appropriate authority of the agency supplying electric service prior to the consideration of the Planning Commission. A Certification of Availability of Electric Services (FORM D) shall appear on the Preliminary Plat.
  - (4) The Preliminary Plat shall receive a review by the Health Department prior to consideration by the Planning Commission. A review of the Health Department (FORM E) shall appear on the Preliminary Plat.
- C. The application, three (3) copies of the Preliminary Plat, supplementary material specified, and the plat review fee shall be submitted to the Chairperson of the Planning Commission at least two (2) days prior to the meeting at which it is to be considered. Submissions without the proper fee payment will not be accepted. The copies shall be delivered to the Edmonson County Judge/Executive's Office, where they shall be logged in and provided to the Chairperson of the Planning Commission.
- D. Within ninety (90) days after the hearing on the Preliminary Plat, the Planning Commission shall approve, disapprove, or approve subject to modifications of the said Plat. Failure of the Planning Commission to act on the 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 in the records of the Planning Commission.

If approval subject to modifications is made it 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.

- E. 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 dated of such approval. An extension of time may be applied for by the subdivider in writing with the payment of a fee and granted by the Planning Commission, as indicated by written notation on the Preliminary Plat.

6.07 Construction Required or Bond or Cash be posted Before Final Plat Can be considered for Approval.

All improvements shall be installed before a final plat can be approved, or in lieu of installation of improvements, a security bond, or certified check, or letter of credit from a bank may be posted with the legislative body of Edmonson County. The amount of the security bond, or certified check or letter of credit from a bank shall be sufficient to cover the certified estimated cost of installing all improvements according to the plat submitted and the Edmonson County Land Development Regulation. If, after one year, the improvements have not been completed as per preliminary and final plat, the develop (s) relinquish any and all securities. The developer (s) may request a maximum of six (6) month's extension.

6.08 Final Plat Requirements

A. Format

The final plat shall meet the design and construction standards set forth in these Regulations. 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 18" x 24" or 24" x 36". More than one sheet may be used.
- (2) It shall be drawn at a scale of 100' 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 subdivision
  - (b) Name and addresses of owners
  - (c) Name of the surveyor and his/her seal or stamp and current license number
  - (d) Acreage of land to be subdivided
  - (e) The date
  - (f) Graphic scale
  - (g) True north line

- (h) Legal source of title for the property, including name of current owners, deed book and page number and date of the deed
- (i) Designation as Final Plat in large letters above the name of the subdivision.

B. Site Data and Design

- (1) All dimensions, angles, bearings, and similar data on the plat shall be tied to primary control points. Locations and descriptions of said control points as established in Section 5.02-A (1), (2) of these Regulations.
- (2) The location and description of all other corner monuments and lot monuments shall be given.
- (3) The following information shall be given and shown on the plat with accurate dimensions to the nearest one hundredth (.01) of a foot:
  - (a) Tract boundary lines
  - (b) Right of way lines of streets
  - (c) Easements; proposed and existing
  - (d) Other right of ways
  - (e) Property lines of residential lots and other sites
  - (f) Minimum building setback line
  - (g) Frontage dimensions
- (4) Name of streets.
- (5) Lot numbers and proposed street numbers.
- (6) Names and locations of adjoining subdivision and streets, and location of adjoining unplatted properties, and names and addresses of the owners of adjoining unplatted properties, and intersecting property lines.

C. Profile Sheets Requirements

Separate plans and profile sheets shall be required. These shall show elevations and all engineering data necessary for construction of proposed street curb and gutter, storm drainage, and utility layout (sewer, water, and underground cable 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 (1) inch equals



one hundred (100) feet horizontally and one (1) inch equals ten (10) feet vertically, typically street cross sections.

D. Certifications

On a final plat, blocks containing the following certificates shall be placed on the right hand side or lower edge of the plat.

- (a) Certification of Availability of Water Services (FORM B)
- (b) Certification of Availability of Sewage Disposal Services (FORM C)
- (c) Certification of Availability of Electric Service (FORM D)
- (d) Review by the Health Department (FORM E)
- (e) Certification of Ownership and Dedication (FORM F)
- (f) Certification of Accuracy (FORM G)
- (g) Certification of Approval of Streets and Utilities (FORM H, H-1) as constructed or proposed, or that bond, cash, or check has been posted.
- (h) Certification of Approval of Water (FORM I)
- (i) Certification of Approval for Recording (FORM J)

6.09 Procedure for Final Plat Approval

- A. The Final plat shall receive the approval of the appropriate authority 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 Certification of the Availability of Water Services (FORM B) shall appear on the Final Plat.
- B. The Final Plat shall receive the approval of the appropriate authority 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 Certification of Availability of Sewage Disposal Services (FORM C) shall appear on the Final Plat.
- C. The Final Plat shall receive the approval of the appropriate authority of the agency supplying electrical services. A Certification of Availability of Electrical Services (FORM D) shall appear on the Final Plat.
- D. The Final Plat shall be reviewed by the Health Department and obtain the signature of the property authority indicating such a review. A review of the Health Department (FORM E) shall appear on the Final Plat.

- E. The Final Plat shall have the signature of the owners of the land to be subdivided stating that they own the land and shall dedicate the necessary streets, Right of way, and easements to the appropriate governing body or utility company. A Certification of Ownership and Dedication (FORM F) shall appear on the Final Plat.
- F. The Final Plat shall have the signature of the registered surveyor testifying to the accuracy of the survey and measurements on the plat. A Certification of Accuracy (FORM G) shall appear on the Final Plat.
- G. The Final Plat shall receive the approval of a licensed engineer prior to consideration by the Planning Commission. The licensed engineer shall certify that the streets, utilities, and other improvements have been installed properly and according to county specifications, or the appropriate authority of the Planning Commission shall certify that a security bond or bank letter has been posted with the county legislative body to assure completion of all required improvements in case of default on a Certification of Approval of Streets and Utilities (FORM H, H1).
- H. The Final Plat shall receive the approval of the County Health Officer prior to consideration by the Planning Commission. A Certification of Approval of Water Systems (FORM I) by the County Health Officer shall appear on the Final Plat.
- I. 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 new Preliminary Plat shall be required.
- J. The original and four (4) copies of the Final Plat together with any street profiles or other plans that may be required shall be submitted to the Chairperson of the Planning commission by the subdivider at least two (2) days prior to the meeting at which it is to be reviewed. The copies shall be delivered to the Edmonson County Judge/Executive's Office, where they shall be logged in and delivered to the Chairperson of the Planning Commission.
- K. Within sixty (60) days after receiving the Final Plat, the Planning Commission shall approve, disapprove, or approve with conditions the said Plat. Failure of the Planning Commission to act upon this Final Plat within sixty (60) 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.

If the Plat is approved with conditions, the plat cannot be recorded until such conditions are met. The conditions of approval shall be stated in the records of the Planning Commission. After the subdivider has made the necessary changes to meet the conditions, it shall be submitted to the Chairperson of the Planning Commission at least

two (2) days prior to the meeting in which it will be considered, in accordance with Section B of this section.

- L. Approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public way, or ground.
- M. 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 on a Certification of Approval for Recording (FORM J), for filing with the Edmonson County Clerk at the expense of the subdivider as an official plat of record. Another copy certified by the Planning Commission will be transmitted to the County legislative body for necessary action on any proposed dedication.

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

- A. Reasonable Time Given  
When a bond, or check, or bank letter of credit is posted, the Planning Commission may set a reasonable time for the improvements to be properly installed at any time; however, this period shall be no greater than twelve (12) months. At the end of the period, if 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 (6) months in which the improvements shall be properly installed. No additional time shall be granted after this extended period.
- B. Failure to Install Improvements
  - (1) If improvements are not installed at the end of the original period and if an additional period of time is allowed, the Planning Commission may order the Administrative Officer to cease from issuing Building Permits and Certification of Occupancy in the Subdivision in question until such time the Planning Commission determines that the improvements are properly installed or sufficient action has been taken to install the improvements properly.
  - (2) At the end of the extended period of time, if no additional time is granted, no permits shall be issued until all improvement shave been properly installed.

#### 6.11 Acceptance and Dedication of Streets

- A. Required Construction Completed
  - (1) Release of Bond, or Check or Bank Letter of Credit  
The legislative body of Edmonson County may release the security bond, or check or Bank Letter of Credit with the recommendation of the Edmonson County Planning that the legislative body of Edmonson County accepts 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 after it has received a report from the Edmonson County Fiscal Court 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 Edmonson County Planning Commission Land Development Regulations have been met.

B. Failure to Install Improvements

(1) Conditions for Accepting Public Improvements

If it has been determined by the Planning Commission that the subdivider will not properly install the improvements, and that said improvements are necessary for the public health, welfare, and safety, the Planning Commission may recommend to the legislative body that the County take action to secure the posted bond or cash, notify the subdivider that the bond or cash has been forfeited, accept the streets and other public grounds, and accept the responsibility to install the improvements.

- (2) If such action is taken, no new permits shall be issued until all improvements are installed properly as determined by the Planning Commission.

## ARTICLE VII

### VARIANCES AND PENALTIES

#### 7.01 Variances for Unusual Conditions

- A. Where it can be shown that there are extraordinary hardships in the way of compliance with these regulations, the Planning Commission shall have the power to vary the regulations so that substantial justice may be done and the public interest secured, provided, however, the spirit of these regulations shall not be violated. Financial disadvantage to the subdivision is no proof of hardship within the purpose of this regulation.
- B. All subdivisions within Edmonson County are subject to these regulations unless they have received final approval by the Planning Commission and have been filed on record with the County Clerk of Edmonson County. However, subdivisions now under development, that have received preliminary approval of the Planning Commission, shall come under the provisions of this section as to variation and exception.
- C. Where the subdivision can show that sufficient physical development and improvement have taken place that compliance with these regulations would constitute a substantial injustice to them, by way of having to undo these improvements, the Planning Commission will direct that the subdivider comply with these regulations only insofar as it is presently practical.

#### 7.02 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, to 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.

#### 7.03 Violations and Penalties

- A. No Selling of Land Before Approval

- (1) On owner(s) of land composing a subdivision, or his/their 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 has been recorded by the Edmonson County Clerk. Any such instrument of transfer, sale, or contract shall be void and shall not be subject to be recorded.
- (2) 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.
- (3) When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, the owner or owners of record shall file plats of the land in accordance with these regulations. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of these regulations, the land shall be governed by the Land Development Regulations, both prior to and after the platting of the land by the owner(s) of record as if a plat had been filed in accordance with the provisions of these regulations.

B. Penalties

If any subdivider, county clerk, public official, other person, corporation, or other legal entity, or agent thereof, does not comply with the Edmonson County Planning Commission Land Development Regulations; Kentucky Revised Statutes Chapter 100; the conditions set forth by the Planning Commission; 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 an injunction against any type of subdivision construction by a subdivider or a landowner.
- (2) Fines  
The Planning Commission may take action on any person or entity that is in violation for which no other penalty is provided. Upon conviction, the persons or entity shall be fined not less than one hundred (\$100.00) dollars, but no more than five hundred (\$500.00) dollars for each offense.

Each day of violation shall constitute a separate offense.

## ARTICLE VIII

### AMENDMENTS AND LEGAL STATUS

#### 8.01 Amendments

The Planning Commission may adopt 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.

#### 8.02 Legal Status

##### A. Conformance with Edmonson County Land Development Regulations

No Final Plat of land within the area of force and effect of existing Land Development Regulations will be approved unless it conforms with such regulations. Wherever there is a discrepancy between the minimum standards set forth in these regulations and those contained in other official regulations, the highest standard shall apply.

Those existing developments that have been platted and have utilities in place by the effective date will be grandfathered and do not have to meet the requirements of these regulations.

##### B. Severability

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.

##### C. Previous Regulations

Any previous Land Development Regulations adopted by the Planning Commission are hereby appealed.

##### D. Effective Date

The effective date of these regulations shall be the 1<sup>st</sup> day of March, 1999.

Adopted this 14<sup>th</sup> day of January, 1999, by the Edmonson County Planning Commission.

ATTEST:

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CHAIRPERSON

ATTEST:

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SECRETARY

ATTEST:

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COUNTY CLERK



## REVISION

Revised this 16<sup>th</sup> day of September, 1999, by the Edmonson County Planning Commission.

ATTEST:

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CHAIRPERSON

ATTEST:

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SECRETARY

ATTEST:

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COUNTY CLERK

## **APPENDICES**

### **FORMS**

<b>FORM A</b>	Application for Land development
<b>FORM B</b>	Certification of Availability of Water Services
<b>FORM C</b>	Certification of the Availability of Sewage Disposal Services
<b>FORM D</b>	Certification of the Availability of Electrical Service
<b>FORM E</b>	Review of the Health Department
<b>FORM F</b>	Certification of Ownership and Dedication
<b>FORM G</b>	Certification of Accuracy
<b>FORM H</b>	Certification of Approval of Streets and Utilities
<b>FORM H-1</b>	Certification of Approval of Streets and Utilities
<b>FORM I</b>	Certification of Approval of the Water System
<b>FORM J</b>	Certification of Approval for Recording
<b>FORM K</b>	Cell Tower Application
<b>FORM L</b>	Waiver of Confidentiality

## FORM A

### APPLICATION FOR LAND DEVELOPMENT EDMONSON COUNTY PLANNING COMMISSION

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Please Print or Type       Minor Subdivision       Major Subdivision  
    Preliminary Plat       Final Plat

**Date of Application:** \_\_\_\_\_

**Name of Subdivision:** \_\_\_\_\_

**Location of Subdivision:** \_\_\_\_\_

**Number of Lots:** \_\_\_\_\_

**Will plat restrictions be recorded?**       Yes       NO

**Property Owner Information:**

**Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Developer Information:**

**Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Surveyor Information:**

**Name:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Engineer Information:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**The following items are attached (please check the appropriate categories):**

**• Full Sets (3 copies for preliminary and 4 copies for final)**

**• \_\_\_\_\_ Lot Layout      \_\_\_\_\_ Utility Plan      \_\_\_\_\_ Street Plan**

**\_\_\_\_\_ Profile Sheet**

•Amount of Fees: \$ \_\_\_\_\_

•Date of Payment: \_\_\_\_\_

**Signature of Owners(s)/Developers(s)**

**Date**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORM B**

**CERTIFICATION OF AVAILABILITY OF WATER SERVICE**

CHECK ALL THAT APPLY:

- WATER MAINS EXIST AND ARE LOCATED SUCH THAT DOMESTIC WATER IS AVAILABLE FOR THE USE OF THE PROPOSED SUBDIVISION, AREA OR TRACTS. WATER SERVICES WILL BE PROVIDED AS PER CURRENT POLICIES.
  
- WATER MAINS EXIST AND ARE LOCATED SUCH THAT DOMESTIC WATER MAYBE AVAILABLE FOR THE USE OF THE PROPOSED SUBDIVISION, AREA OR TRACT(S). EACH LOT OR TRACT WILL BE PROVIDED OR DENIED WATER SERVICES BASED ON THE AVAILABILITY OF PROPER PRESSURES AND FLOWS AT THE TIME OF APPLICATION FOR SERVICE.
  
- THE PROPOSED WATER DISTRIBUTION SYSTEM FOR THE SUBDIVISION SHOWN HEREON MEETS THE REQUIREMENTS OF THIS AGENCY AND ALL OTHER REQUIREMENTS FOR THE PROPER DISTRIBUTION OF DOMESTIC WATER. WATER SERVICES WILL BE PROVIDED AS PER OUR CURRENT POLICIES WHEN THE WATER MAINS ARE INSTALLED AN ACCEPTED IN THE SYSTEM.
  
- NO WATER MAINS EXIST FOR THE DISTRIBUTION OF DOMESTIC WATER THE EDMONSON COUNTY WATER DISTRICT WILL NO PROVIDFE WATER SERVICES UNTIL SUCH TIME THAT MAINS ARE INSTALLED. THE WATER DISTRICT SHALL NOT BE OBLIGATED TO PAY FOR THE INSTALLATION OF THE REQUIRED MAINS. MAINS SHALL BE INSTALLED ACCORDING TO THE REQUIREMENS OF THIS AND ALL OTHER GOVERNING AUTHORITIES.
  
- OTHER –

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Authorized Signature  
EDMONSON COUNTY WATER DISTRICT

\_\_\_\_\_  
Date

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FORM C**

(To appear on the Preliminary and Final Plat)

**CERTIFICATION OF THE AVAILABILITY OF SEWAGE  
DISOPOSAL SERVICES**

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

DATE \_\_\_\_\_

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**Engineer (or appropriate authority of the appropriate agency)**

**FORM D**

(To appear on Preliminary and Final Plat)

**CERTIFICATION OF AVAILABILITY OF ELECTRIC SERVICE**

I hereby certify that \_\_\_\_\_ shall supply the \_\_\_\_\_ subdivision with electric services.

DATE \_\_\_\_\_

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**ENGINEER (or appropriate authority of the appropriate agency)**



**FORM E**

(To appear on Preliminary and Final Plat)

**REVIEW BY THE HEALTH DEPARTMENT**

Each septic system must be inspected on its own merit and will be individually permitted by the Edmonson County Health Department.

DATE \_\_\_\_\_

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**Environmental Officer (or appropriate authority of the Edmonson County Health Department)**

**FORM F**

(To appear on Final Plat)

**CERTIFICATION OF OWNERSHIP AND DEDICATION**

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and recorded in Deed Book \_\_\_\_, page \_\_\_\_, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction line, and dedicate all streets, alleys, park walks and other open spaces to public or private use as shown in accordance with the Land Development Regulations of Edmonson County, Kentucky, unless otherwise noted.

Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Owner: \_\_\_\_\_

Date: \_\_\_\_\_

**FORM G**

(To appear on Final Plat)

**CERTIFICATION OF ACCURACY**

I hereby certify that the plan shown and described hereon is a true and correct survey to the accuracy required by the Edmonson County Planning Commission and that the monuments have been places as shown hereon to the specifications of the appropriate authority.

Date \_\_\_\_\_

\_\_\_\_\_  
**Registered Surveyor**

Current License Number \_\_\_\_\_

(Stamp)

**FORM H**

(To appear on the Final Plat)

(Use FORM H when improvements have been made before final approval)

(Use FORM H-1 when security is to be posted)

**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 county specifications in \_\_\_\_\_ subdivision.

Date \_\_\_\_\_

\_\_\_\_\_  
**Licensed Engineer**

Current License Number \_\_\_\_\_

**FORM H-1**

**CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES**

(To appear on the Final Plat)

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

Date \_\_\_\_\_

\_\_\_\_\_  
**Licensed Engineer**

Current License Number \_\_\_\_\_

(Stamp)

Furthermore, a \_\_\_\_\_\* in the amount of \$\_\_\_\_\_, has been posted with the Edmonson County legislative body to assure the completion of all required improvements in case of default.

Date \_\_\_\_\_

\_\_\_\_\_  
**Planning Commission Approving Agent**

\*(This blank to be filled in with the words, “cash”, “certified check”, or “bank letter of credit”).

**FORM I**

(To appear on Final Plat)

**CERTIFICATION OF THE APPROVAL OF WATER SYSTEM**

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

Date \_\_\_\_\_

\_\_\_\_\_  
**County Health Officer or Other Approving Agent**

(Blanks to be filled with the words “private” or “public”)

**FORM J**

(To appear on Final Plat)

**CERTIFICATION OF APPROVAL FOR RECORDING**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Land Development Regulations of Edmonson County, 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 Edmonson County Clerk.

Date \_\_\_\_\_

\_\_\_\_\_  
**Chairperson or Secretary, Planning Commission**

**EDMONSON COUNTY PLANNING COMMISSION**

**TELECOMMUNICATION/CELLULAR ANTENNA TOWERS AND/OR  
CO-LOCATING ANTENNA AND/OR ACCESSORY FACILITIES  
APPLICATION/REQUIREMENTS**

Utility Applicant's Names: \_\_\_\_\_

Proposed Location: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Fee: \$2,500.00

**Regulation and Review Procedures of Telecommunication/Cellular Antenna Towers  
and/or Co-locating Antennas**

**1. Application for the Siting of Telecommunication/Cellular Antenna Towers  
and/or Co-locating Antenna and/or Accessory Facilities -Contents of uniform  
application shall include:**

- A. A full name and address of the applicant and property owner;
- B. The applicant's articles of incorporation, if applicable;
- C. A geotechnical investigation report, signed and sealed by a professional engineer registered in Kentucky, that includes boring logs and foundation design recommendations;
- D. A written report, prepared by a professional engineer or land surveyor, of findings as to the proximity of the proposed site to flood hazard areas;
- E. Clear directions from the county seat to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions;
- F. The lease or sale agreement for the property on which the tower is proposed to be located, except that, if the agreement has been filed in abbreviated form with the county clerk, an applicant may file a copy of the agreement as recorded by the county clerk and, if applicable, the portion of the agreement demonstrating compliance with KRS 100.987(2);

- C. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower;
- D. A site development plan or survey, signed and sealed by a professional engineer registered in Kentucky, that shows the proposed location of the tower and all easements and existing structures within five hundred (500) feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within two hundred (200) feet of the access drive, including the intersection with the public street system;
- E. A vertical profile sketch of the tower, signed and sealed by a professional engineer registered in Kentucky, indicating the height of the tower and the placement of all antennas;
- F. The tower and foundation design plans and a description of the standard according to which the tower was designed, signed, and sealed by a professional engineer registered in Kentucky;
- G. A map, drawn to a scale no less than one (1) inch equals two hundred (200) feet, that identifies every structure and every owner of real estate within five hundred (500) feet of the proposed tower and/or property contiguous to the property upon which the tower is proposed to be constructed;
- H. A statement that every person who, according to the records of the property valuation administrator, owns property within five hundred (500) feet of the proposed tower and/or property contiguous to the property upon which the tower is proposed to be constructed, has been
  - 1. Notified by certified mail, return receipt requested, of the proposed construction, which notice shall include a map of the location of the proposed construction;
  - 2. Given the telephone number and address of the local planning commission or Edmonson County Judge/Executive Office; and
  - 3. Notified of a neighborhood meeting to be conducted in the neighborhood of the proposed site by the applicant and/or by the applicant's attorney to be held no earlier than 30 days from the date of the Notification Letter and prior to the Planning Commission meeting where the application is to be presented.
  - 4. Informed of his or her right to participate in a neighborhood meeting and the planning commission's proceedings on the application;
- I. A list of the property owners who received the notice, together with copies of the certified letters sent to the listed property owners;
- J. A statement that the chief executive officer of the affected local governments and their legislative bodies have been notified, in writing of the proposed construction;

- K. A copy of the notice sent to the chief executive officer of the affected local governments and their legislative bodies;
- L. A brief description of the character of the general area in which the tower is proposed to be constructed, which includes the existing land use for the specific property involved;
- M. A statement that the applicant has considered the likely effects of the installation on nearby land uses and values and has concluded that there is no more suitable location reasonably available from which adequate service to the area can be provided, and that there is no reasonably available opportunity to locate its antennas and related facilities on an existing structure including documentation of attempts to locate its antennas and related facilities on an existing structure, if any, with supporting radio frequency analysis, where applicable, and a statement indicating that the applicant attempted to locate its antennas and related facilities on a tower designed to host multiple wireless service providers' facilities or on an existing structure, such as a telecommunications tower or other suitable structure capable of supporting the applicant's antennas and related facilities; and
- N. A map of the area in which the tower is proposed to be located, that is drawn to scale, and that clearly depicts the necessary search area within which an antenna tower should, pursuant to radio frequency requirements, be located.

**1. Demonstration of Appropriateness and Other Concurrent Applications Requirements**

- A. Applications for official amendments, variances, conditional uses and street closings may be filed concurrently with the application for the same property to be considered by the Planning Commission for the Siting of Telecommunication/Cellular Antenna Towers and/or co-locating antennas and/or accessory facilities. Any application for the Siting of Telecommunication/Cellular Antenna Towers shall be submitted with a written detailed explanation as to the following:
  - 1. How the proposed tower siting and official amendment would conform to the Comprehensive Plan;
  - 2. Why an amendment, variance, conditional use, and/or street closing may be necessary.
  - 3. What major economic, physical or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and which have substantially altered the basic character of the area, which make the proposed amendment.
- B. As a condition to the granting of any amendment, the Planning Commission is authorized to require the submission of a development plan. The development plan shall be filed in accordance with the provisions and requirements of the Edmonson County Land Development Regulations. Where agreed upon, this development plan shall be followed and



shall be binding on all parties. A development plan may be either a general development plan or a detailed development plan or both.

- C. The applicant shall be responsible for the accuracy of the information filed and shall demonstrate that the identity of all adjoining property owners is made known to the Planning Commission as part of the amendment application. The applicant may rely on the records of the property valuation administrator for this purpose.

## **2. Planning Commission Action**

The procedure for Siting of Telecommunication/Cellular Antenna Towers and/or Co-locating Antennas and/or Accessory Facilities and/or obtaining a map amendment shall be as follows:

- A. After an applicant's submission of the uniform application to construct a cellular antenna tower, the Planning Commission shall:
  - 1. In a public hearing, review the uniform application in light of its agreement with the comprehensive plan and adopted land development regulations.
  - 2. Make its final decision to approve or disapprove the uniform application; and
  - 3. Advise the applicant in writing of its final decision within sixty (60) days commencing from the date that the uniform application is submitted to the Planning Commission or within a date certain specified in a written agreement between the Planning Commission and the applicant. If the Planning Commission fails to issue a final decision within sixty (60) day and if there is no written agreement between the Planning Commission and the applicant to a specific dated for the Planning Commission to issue a decision, the uniform application shall be deemed approved.
  - 4. Advise the applicant in writing of final decision after the appropriate legislative body has taken final action on official amendments, variances, conditional uses and street closing filed concurrently with the application for the same property to be considered by the Planning Commission for the Siting of Telecommunication/Cellular Antenna Towers and/or co-locating antennas and/or accessory facilities.
- B. If the Planning Commission disapproves of the proposed construction, it shall state the reasons for disapproval in its written decision and may make suggestions which, in its opinion, better accomplish the objectives of the comprehensive plan and the adopted land development regulations. No permit for construction of a cellular or personal communications services antenna tower shall be issued until the Planning Commission approves the uniform application or the sixty (60) day time period has expired, whichever occurs first. For tower siting cases involving amendments, variances, conditional uses and street closings filed concurrently with the application, no permit shall be issued until the Planning Commission and the appropriate legislative body has taken final action.
- C. The Planning Commission may require the applicant to make a reasonable attempt to co-locate additional transmitting or related equipment. The Planning Commission may

provide the location of existing telecommunication/cellular antenna towers and/or co-locating and/or Accessory Facilities on which the commission deems the applicant can successfully co-locate its transmitting and related equipment. If the Planning Commission requires the applicant to attempt co-location, the applicant shall provide the local Planning Commission with a statement indicating that the applicant has:

1. Successfully attempted to co-locate on towers designed to host multiple wireless service providers' facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities, and that identifies the location of the tower or suitable structure on which the applicant will co-locate its transmission and related facilities; or
  2. Unsuccessfully attempted to co-locate on towers designed to host multiple wireless service provider's facilities or existing structures such as a telecommunications tower or another suitable structure capable of supporting the applicant's facilities and that:
    - (a) Identifies the location of the towers or other structures on which the applicant attempted to co-locate; and
    - (b) Lists the reasons and documents why the co-location was unsuccessful in each instance.
- D. The Planning Commission may deny a uniform application to construct a telecommunication/cellular antenna tower and/or co-locating antennas and/or accessory facilities based on an applicant's unwillingness to attempt to co-locate additional transmitting or related equipment on any new or existing towers or other structures.
- E. In the event of co-location, a utility shall be considered the primary user of the tower, if the utility is the owner of the telecommunication/cellular antenna tower and/or co-locating antennas and/or accessory facilities and if no other agreement exists that prescribes an alternate arrangement between the parties for use of the tower. Any other entity that co-locates transmission or related facilities on a telecommunication/cellular antenna tower and/or co-locating antennas and or accessory facilities shall do so in a matter that does not impose additional costs or operating restrictions on the primary user.
- F. Upon the approval of an application for the construction of a telecommunication/cellular antenna tower and/or co-locating antennas and/or accessory facilities by the Planning Commission, the applicant shall notify the Public Service Commission within ten (10) working days of the approval. The notice to the Public Service Commission shall include a map showing the location of the construction site. If an applicant fails to file notice of an approved uniform application with the Public Service Commission, the applicant shall be prohibited from beginning construction on the telecommunication/cellular antenna tower and/or co-locating antennas and/or accessory facilities until such notice has been made.

- G. A party aggrieved by a final action of the Planning Commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

#### **4. Telecommunications Facilities**

- A. **Characteristics.** Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to provide wireless, over-the-air, or cellular telephone communications. Facilities may be self supporting, guyed mounted on poles, other structures, light posts, power poles or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic or other landline transmission system.
- B. **Accessory Uses.** Accessory uses may include transmitter facility buildings, and telecommunication shelters.
- C. **Examples.** Examples include attached telecommunications facilities, telecommunications support towers, point-to-point microwave towers, and ground mounted switch boxes.
- D. **Exceptions.**
  - 1. Receive-only antennas are not included in this category and amateur radio facilities that are owned and operated by a federally-licensed amateur radio station operator are not included in this category.
  - 2. Ground-mounted telephone switch boxes not exceeding 2 feet in height are classified as Basic Utilities.

#### **5. Specific Use Standards.**

##### **Telecommunication/Cellular Towers and/or Co-locating Antennas and/or Accessory Facilities.**

The purpose and intent of this section is to avoid potential damage to adjacent properties from transmission tower collapse and falling ice through engineering and careful locating of transmission tower structures, and to maximize use of any new transmission tower and to encourage the collocation and clustering of new transmission towers in order to reduce the number of towers and tower sites needed.

The provisions of this section shall apply to the construction, erection, alteration, use, and location of transmission towers and accessory facilities. Unless otherwise permitted by the Edmonson County Land Development Regulations, no new transmission tower or accessory facility may be erected or constructed unless all provisions of the Section and the requirements of the Kentucky Revised Statutes and the Kentucky Public Service Commission are met.

A. **Minimum Location Standards.** The following minimum standards shall be met in the approval of a conditional use or building permit.

1. All self supporting and guyed telecommunication/cellular towers and/or co-locating antenna and/or accessory facilities shall be set back from the property line a minimum of one hundred twenty (120) percent of the overall height of the tower.
2. All telecommunication/cellular towers and/or co-locating antenna and/or accessory facilities shall be set back from any residential structure a minimum of one hundred twenty (120) percent of the overall height of the tower.
3. Accessory facilities shall also comply with the setback standard of the Edmonson County Land Development Regulations.
4. Existing on-site vegetation shall be preserved to the maximum extent practicable.
5. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or appropriate State authority.
6. Accessory facilities in an Agriculture District and other such districts where transmission towers are a conditional use may not include offices, long-term vehicle storage, other outdoor storage or broadcast studios, except for emergency purposes, or other uses that are not needed to send or receive transmissions.
7. The proposed use shall be consistent with applicable Federal and State regulations and shall have secured and submitted copies of compliance with these regulations.
8. An application for approval of a new telecommunication tower shall include all items required for a Uniform Application by the Kentucky Revised Statutes.

B. **Color of Towers.** Unless otherwise required by state or federal regulations, all telecommunication/cellular towers shall be white or light gray in color.

C. **Multiple Telecommunication/Cellular Towers and/or Co-locating Antennas and/or Accessory Facilities.** It is the intent of these regulations to encourage the collocation and clustering of multiple towers and their antennas and accessory facilities and to discourage the use of individual transmission towers and accessory facility sites. Therefore, more than one transmission tower and accessory structures will be permitted under these regulations on a single tract of land notwithstanding any other provision of the Edmonson County Land Development Regulations, provided they meet all of the required location standards.

#### WAIVER OF CONFIDENTIALITY

The undersigned, a duly authorized representative of the applicant seeking comment and recommendation from the Edmonson County Planning Commission, concerning the location of telecommunication/cellular antenna towers and/or co-locating antenna and/or accessory facilities, does hereby waive the confidentiality requirements which may exist with regard to materials supplied by the applicant to the Edmonson County Planning Commission, thereby permitting the Planning Commission to divulge any documents and content contained within the application and its attachments, with the exception of the following documents:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPLICANT

\_\_\_\_\_  
Applicant's signature

Print Name: \_\_\_\_\_

Print name of person who is signing on behalf of applicant

\_\_\_\_\_

COMMONWEALTH OF KENTUCKY:

:  
COUNTY OF \_\_\_\_\_:

The foregoing instrument was subscribed and sworn to before me by  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires:\_\_\_\_\_

**EDMONSON COUNTY  
PLANNING COMMISSION  
APPLICATION FEES**

Minor Subdivision (3-5 lots)  
\$225.00

Major Subdivision (6 or more lots, new roads and/or public improvements)  
\$300.00 minimum, plus \$50.00 for each lot in excess of 5

Mobile Home Parks or Multi Building Developments  
\$500.00 plus \$100.00 per lot division

Revisions of any approved final plat \$150.00 per affected lot.

CELL TOWERS \$2,500.00

VARIANCES \$1,000.00

All other land use or development not listed above to be reviewed by the Planning Commission \$300.00