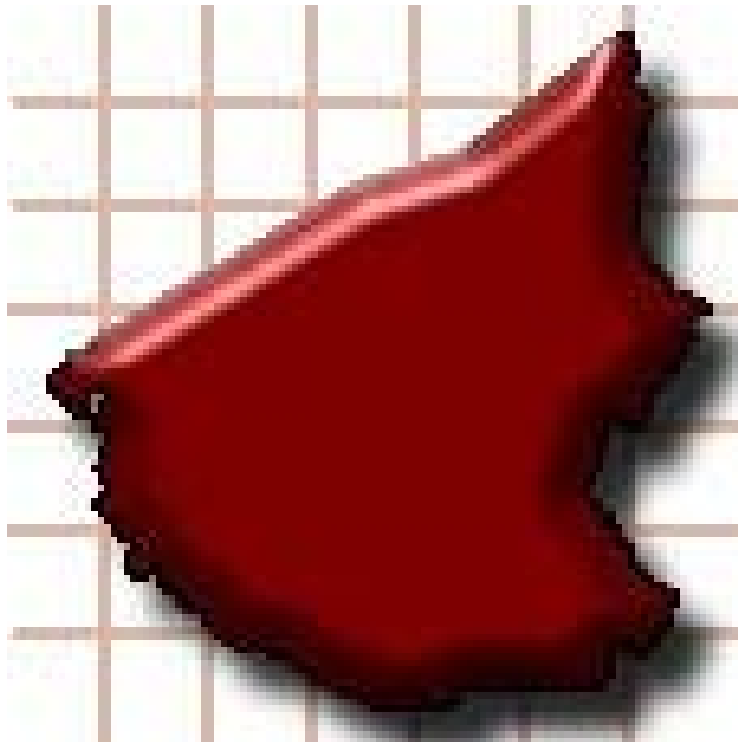


HOPKINS COUNTY SUBDIVISION REGULATIONS



**Hopkins County Joint Planning Commission
56 North Main Street
Madisonville, Kentucky 42431**

HOPKINS COUNTY SUBDIVISION REGULATIONS

ARTICLE I

Title and Purpose: These regulations shall be known, referred to and cited as “The Land Subdivision Regulations of the County of Hopkins, Kentucky.” These regulations are to provide for the coordination of streets within subdivisions with other existing or planned streets or with other features of the Comprehensive Plan of Hopkins County, Kentucky; for minimum requirements of the preliminary and final plats; for minimum standards of physical improvements in new subdivisions; for adequate open spaces for traffic utilities, fire-fighting apparatus, recreation, light and air; and for a distribution of population and traffic all of which are to improve the health, safety and welfare of the community.

ARTICLE II

Definitions: For this purpose, certain words and terms are herewith defined; words used in the present tense include the future, the singular includes the plural and the plural includes the singular, the work “shall” is mandatory and not directory.

Administrative Officer: A person authorized by the Planning Commission to act on its behalf.

Alley: A street providing a secondary means of access to a property abutting upon it.

Arterial Street (Major Street): A street having the primary function of traffic service and designated as a major street in the Comprehensive Plan.

Building Line: A line of a plat thirty (30) feet between the property line and front of the building site line, which between the building site line and a street no building or structure may be erected.

Collector Street (Major Street): A street having a primary function of collecting and distributing vehicular traffic between local streets or areas and the major arterial system and designated as a collector street in the Comprehensive Plan.

Comprehensive Plan: The Comprehensive Plan made and adopted by the Planning Commission indicating the general locations recommended for the streets, parks, public buildings, land uses, and other similar information.

County: The County of Hopkins, Kentucky.

Cul-de-sac: A permanent dead-end street or court culminated by a turnaround and not intended to be extended in the future.

Density: Density shall mean the total area of all building lots divided by 43,560.

Engineer: The County Engineer.

Governing Authority: The Fiscal Court.

Lot: A parcel of land usually referred to by number or letter intended as a unit of transfer of ownership or for development or both.

Minor Street: A street having a primary function of providing service and vehicular access to abutting land and not designed for high volumes of traffic, but having sufficient width to serve occasional parking and lot volume of traffic.

Net Acre: Net acre shall mean a land area measuring 43,560 square feet, exclusive of all public streets and areas dedicated to the public.

Planning Commission: The Hopkins County Joint Planning Commission.

Plans: All drawings, including general plans, cross sections, profiles, working details, and specifications, which the subdivider prepares or has prepared to show the character, extent, and details of the improvements required under ARTICLE VI of these regulations.

Plat: A map or drawing showing the lot and street arrangement or other features or details of the area being subdivided, as required in this regulation for preliminary and final approval and recording.

Subdivision: The division of a parcel of land into three (3) or more lots or parcels for the purpose, whether immediate or future, of sale, lease or building development, or if a new street is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new street shall not be deemed a subdivision.

ARTICLE III

Jurisdiction and Procedure: It shall be unlawful for any person being the owner, agent or person having control of any land in Hopkins County to subdivide or lay out such land in lots before securing the approval of the Planning Commission of a plat designating the areas to be subdivided; and no plat of a subdivision of land within Hopkins County shall be recorded by the County Court Clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the Chairman, secretary or other duly authorized officer of the Planning Commission.

No person owning land composing a subdivision, or his agent shall transfer or sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by

exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the Planning Commission and has been recorded. Any such instrument of transfer, sale or contract shall be voided and shall not be subject to be recorded, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel 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 rights or remedies he may otherwise have.

The subdivider shall submit for review five (5) preliminary plats and when approved three (3) preliminary plats in accordance with the specifications of ARTICLE V hereof to the Planning Commission for approval. The subdivider shall submit for review two (2) complete sets of construction plans and when approved three (3) complete sets of construction plans either at the time of preliminary plat submission or upon approval of the preliminary plat and prior to final plat submission. Upon approval of the preliminary plan and approval of the construction plans, in accordance with this regulations, the subdivider shall indicate intent to (a) install the minimum improvements or (b) furnish a property or insurance bond or letter of credit from a Kentucky bank to cover the cost of the improvements in accordance with ARTICLE VI hereof. Upon approval of improvements installations or arrangements therefore, the subdivider shall submit for review two (2) final plats and when approved seven (7) final plats to the Planning Commission in accordance with the provisions of ARTICLE VII hereof.(5-9-2002)

No plat or replat shall be filed for record or recorded in the Office of the County Clerk unless and until approved by the Planning Commission, and no lot shall be sold from such plat or replat unless and until approved by the Planning Commission and filed for record in the Office of the County Court Clerk.

ARTICLE IV

Subdivision Design Standards:

Relation to Adjoining Street System: The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided), insofar as they may be deemed necessary by the Planning Commission for public requirements. Off-set streets should be avoided. The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All proposed street names shall avoid duplication of other street names in the vicinity unless the proposed street is obviously intended as an extension of another existing or proposed street, in which case the streets shall bear the same name.

Design Standards: The arrangement of streets and lots shall give due regard to the topography and other physical features of the property and shall meet the following requirements and standards:

Streets and Alleys: The right-of-way widths and locations of major and collector streets shall conform to the right-of-way widths and locations of such streets designated as follows:

- a) The minimum right-of-way width for minor streets shall be fifty (50) feet except that in cases where topography or special conditions make a right-of-way of less width more suitable, the Planning Commission may waive the above requirements.
- b) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots unless other adequate provisions are made for service and deliveries and shall have a right-of-way of at least twenty-five (25) feet.
- c) A cul-de-sac street and other street space may be provided if proper access is given to all lots from a dedicated right-of-way space having a minimum radius of fifty (50) feet for residential areas and other satisfactory arrangements for turning vehicles.
- d) In residential areas, cul-de-sac lengths should not exceed the following:
 - 1) A maximum length of one thousand three hundred (1,300) feet when the density for those lots having frontage on the entire length of a cul-de-sac do not exceed two dwelling units per net acre.
 - 2) A maximum length of one thousand (1,000) feet when the density for those lots having frontage on the entire length of a cul-de-sac do not exceed four dwelling units per net acre.
 - 3) A maximum length in all other residential areas of seven hundred and fifty (750) feet.
- e) In commercial and industrial areas, cul-de-sac streets should not exceed 750 feet in length.
- f) The minimum curb radius at street intersections shall be twenty (20) feet.

Easements: Easements of at least ten feet in width shall be dedicated on each side of all rear lot lines and five feet along side lot lines, when necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water and other utilities. Easements of greater width may be required along or across lots where necessary for extension of main sewers or other utilities and where both water and sewer lines are located in the same easement.

Blocks: No block shall be less than two hundred and fifty (250) feet nor more than one thousand (1,000) feet in length, except as the Planning Commission considers necessary to secure the efficient use of land or desired features of street pattern. When blocks are over seven hundred and fifty (750) feet in length, a crosswalk with a right-of-way of at least ten (10) feet in width may be required near the center of the block at the discretion of the Planning Commission.

Lots: The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development. (3-18-1993)

In order to ensure that all properties in the county have adequate access to a dedicated public right-of-way, all lots in subdivision, or those severed from larger tracts, shall have a minimum of twenty-five (25) feet road frontage with a minimum of twenty-five feet continuing to the building line. (3-18-1993)

The following minimum lot sizes and dimensions shall be used:

- a) in areas provided with sanitary sewer:
 - Width at Building Line: sixty (60) feet
 - Area: All sewered lots shall conform to the applicable requirements established by the municipality providing sanitary sewer to the development.
- b) in areas not provided with sanitary sewer:
 - Width at Building Line: one hundred (100) feet
 - Area: one acre (43,560 square feet) (3-18-1993)

Measured at the building line, no lot shall have a depth of less than one hundred (100) feet and lots with depths in excess of four times its width (measured at the building line) should be avoided. (3-18-1993)

Building line of thirty (30) feet in width shall be dedicated on the front of each lot. (3-18-1993)

Corner lots shall have a width sufficient to permit the establishment of front building lines on both the adjoining streets without reducing the buildable width below that of the average size lot in the subdivision. (3-18-1993)

Property line radii at street intersections shall not be less than twenty (20) feet. (3-18-1993)

Where any provision of the law imposes restrictions different from these regulations, most notably, those regulations of the Hopkins County Health Department, whichever provisions are more restrictive or impose higher standards, the provisions of that law or these regulations shall control. (3-18-1993)

Character of Development: The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property.

Where deed restrictions or covenants are proposed, they shall be included with the plat and made a part of such plat; provided however, that such deed restrictions or covenants

shall not contain reversionary clauses wherein any lots shall return to the subdivider because of a violation thereon of the terms of the restrictions or covenants.

Maintenance and Improvements: Where a subdivision contains sewers sewage treatment plants, water supply systems, park areas, cemeteries, or other physical facilities necessary or desirable for the welfare of the area and of common use or benefit, which the Governing Authority does not desire to or cannot maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

Parks, School Sites, etc.: Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted Comprehensive Plan of the County, the subdivider shall not plat such lands as a part of the subdivision plat; and shall confer with the appropriate public agency regarding the time, method and amount of payment for the agency to acquire the land. If no agreement has been reached upon the acquisition of the area within two years from the date of the submission of the final plan, the subdivider may then plat the balance of the area.

Easements Along Streams: Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course. The adequacy of the easement shall be determined by the County Engineer.

ARTICLE V

Preliminary Plat:

Where Filed: The preliminary plat, drawn to a scale of not more than one hundred (100) feet to the inch, conforming to the requirements of ARTICLE IV, shall be submitted to the Administrative Officer as designated by the Planning Commission, by the established deadline for the meeting it is to be reviewed. The plat shall be accompanied by a filing fee of \$200.00 plus \$5.00 per lot.

Information Required: The preliminary plat and accompanying documents shall show:

- a) The location of existing property lines, streets, buildings, water courses and other existing features within the area to be subdivided and similar information regarding existing conditions of land immediately adjacent thereto.
- b) The area in acres of the land to be subdivided by the double meridian distance method of calculation or other acceptable engineering practice.
- c) The proposed location and width of streets, alleys, lots, building lines and easements drawn to a scale of one hundred (100) feet to an inch.
- d) Existing sanitary and storm sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto. The

- e) The title under which the proposed subdivision is to be recorded, and the name of the engineer, the registered land surveyor, and the subdivider platting the tract, including addresses and telephone numbers of each.
- f) Location sketch map showing relationship of subdivision site to area including the U.S.G.S. Coordinates.
- g) The names and adjoining boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels of un-subdivided land.
- h) Contours at vertical intervals of not more than two feet except when specifically not required by the Planning Commission.
- i) North point, graphic scale and date.
- j) Approximate grades and profiles of streets and plans regarding the grades of proposed streets, and the width and type of pavement, locations, size and type of sanitary sewer or other sewage disposal facilities; water mains and other utilities, facilities for storm water drainage; and other proposed improvements such as sidewalks, planting and parks and any grading of individual lots, except when specifically not required by the Planning Commission.
- k) The subdivider's proposal to the Governing Authority for accomplishing the installation of improvements in accordance with ARTICLE VI of these regulations.
- l) Floodplain Note: "This property is/is not located in a flood hazard area as determined on Community Panel Number : _____, Effective Date: _____, Zone: _____." (5-9-2002)
- m) PVA Map and Parcel identification. (5-9-2002)
- n) Health Department Note: "All lots are subject to the individual sewage disposal system requirements of the Kentucky Department of Health." (5-9-2002)
- o) If driveway connections are to be made on a state road, include the following note: "All modifications of an existing entrance or the construction of a new entrance to a state maintained highway will require an encroachment permit obtained from the Kentucky Department of Highways, District 2." (5-9-2002)
- p) Surveyor certificate of accuracy: I hereby certify that this plat was prepared by me or under my direction; that all monuments will be installed prior to final plat action; that the information shown hereon is correct to the best of my knowledge and belief; is a Class ____ survey completed by _____ method; and that all requirements of the Subdivision Regulations have been fully complied with. _____ Date, _____ Licensed Surveyor, _____ Stamp. (4-3-2004)
- q) "Planning Commission Certification: This plat (these plans) has (have) been reviewed for compliance with the adopted Hopkins County Subdivision Regulations and approved by the Hopkins County Joint Planning Commission on _____, 20 _____. _____ (signature of Chairman), _____ (date)." (5-9-2002)

- r) “County Engineer’s Certification: I hereby certify that improvement plans of this subdivision have been reviewed by me and are in conformance with the subdivision regulations to the best of my knowledge and belief.
_____ (signature), _____(date).” (5-9-2002)
- s) “Owner’s Certification: I (We) do hereby certify that I am (We are) the owner(s) of record of the property platted herein which is recorded in Deed Book ____, Page _____, in the Hopkins County Clerk’s Office, and do hereby adopt this plan for preliminary subdivision of this property. _____ Owner, _____Date.” (4-3-2004)

Approval of Preliminary Plat: The preliminary plat shall be reviewed and acted upon at a regular meeting of the Planning Commission. Public hearings upon subdivision shall be discretionary with the Planning Commission.

Within sixty (60) days after the submission of the preliminary plat and other required materials submitted in conformity with these regulations, the Planning Commission shall state in writing, to the subdivider its approval or state he conditions of such approval, or in the event of disapproval, shall state its disapproval and reasons therefore; provided however, that the subdivider may waive the time limitation requirements by letter and consent to an extension of such period.

The action of the Planning Commission shall be noted on two copies of the preliminary plat, designating one as the “official copy” which is to be retained in the files of the Planning Commission; the other as the “owner’s copy” which shall be furnished to him or his authorized agent. Conditional approval of the preliminary plat by the Planning Commission shall constitute conditional approval of the final subdivision plat provided it conforms to the provisions of ARTICLE VI and VII of these regulations and conforms substantially with the official copy of the preliminary plat.

ARTICLE VI

Minimum Improvements:

Authority to Proceed with Final Plat: Receipt by the subdivider of the copy of the preliminary plat together with the approval of the Planning Commission shall constitute authority for the subdivider to proceed with final plans for specifications for the installation of the following minimum improvements and preparation of the final plat.

Requirements for Approval of Final Plat: No final plat of any subdivision shall be approved and recorded unless:

- a) The improvements listed below have been installed prior to such approval, or
- b) The subdivider has entered into a contract with and satisfactory to the Governing Authority to construct all necessary roads, drainage, grading, graveling, paving, storm and sanitary sewerage systems, and water systems; and the subdivider has filed with the Governing Authority a property or

- c) The subdivider may, at the option of the Planning Commission, enter into an escrow agreement providing for an escrow account in a local lending institution for the purpose of installing the required improvements in a subdivision. The account shall be of sufficient amount to cover the entire cost of the improvements as established by bids submitted by reputable contractors which shall be submitted by the developer when the final plat is submitted to the Planning Commission for final approval. This escrow account option shall not be valid unless a mutual agreement form is filed with the local lending institution and the Planning Commission. Funds in said escrow account shall not be disbursed except upon mutual agreement of the developer, the local lending institution and the Planning Commission or its appointee.

Installation of Part of Improvements: The owner of a tract may prepare and secure approval of a preliminary plat for the entire tract and may install the required improvements in only portions of such tract, but the improvements must be installed or provision made for their installation in any portion of the area for which a final plat is approved for recording; provided however, that any gas mains, storm sewers, trunk sewers, and any sewage treatment plants shall be designed and built in such manner that they can easily be expanded or extended to serve the entire area, and provided further that the requirements of ARTICLE IV have been met.

Survey Monuments: All subdivision boundary corners, street rights-of-way, and street intersections shall be marked with permanent monuments by a pair of monuments, within line of sight, no less than 100 feet nor more than 500 feet apart. A permanent monument shall consist of ½ inch minimum diameter steel rod or rebar of 24” minimum length with an SPPLS identifying cap encased in a concrete filled 6” minimum diameter hole of 2 feet minimum depth. (8-28-2003). Should conditions prohibit the placing of monuments on the line, offset marking will be permitted; provided however, that exact offset courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners. If survey monuments are removed during construction, they shall be replaced before the final plat is approved.

Street Improvements: All streets and public ways shall be improved in compliance with applicable County standards as specified by separate regulations, or in accordance with the following: Streets shall be graded to their full width, including side slopes, and to the appropriate grade and shall be surfaced to a width of at least twenty-four (24) feet for minor streets and to the engineer’s specifications for collector and major streets, with a minimum of six inches of full depth rock with two inches asphalt binder and one inch

asphalt mix wearing surface or six inches of Portland cement pavement to equal requirements of the Kentucky Department of Highways.

Water Supply: Each lot within a subdivision shall be provided with a connection to an approved water system. Pending availability of a public water supply, the subdivider shall provide a private water supply system in such a manner that an adequate supply of portable water will be available to every lot in the subdivision at the time improvements are erected thereon. The installation of the water system shall be subject to the approval of the Governing Authority of its designated agent.

Sanitary Sewer System: When public sanitary sewers are within reasonable access of the subdivision, the subdivider shall provide sanitary sewer facilities to each lot therein. When a public sanitary sewer is not accessible, proper provisions shall be made for the disposing of the sewer water and shall be subject to the approval and supervision of the appropriate County Official.

Drainage: The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural watercourse and shall prevent the collection of water in any low areas. The means of disposing of the storm water shall be subject to the approval and supervision of the appropriate County Official.

Street Lights: Street light installation may be installed in accordance with specifications and under the supervision of the appropriate County Official at the expense of the subdivider.

ARTICLE VII

Final Plat:

Final Plat: The final plat shall be drawn in black permanent ink on tracing cloth or other permanent stable material to a scale of not more than one hundred (100) feet to the inch from an accurate survey and on one or more sheets whose dimensions shall conform to the size of the pages in the County Court Clerk's Record Book. If more than two sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one sheet and the component areas shown on another sheet. In order to facilitate the preparation and execution of a plat, street plans of all streets and alleys in the subdivision shall be furnished for permanent possession of the Engineer. Street plans shall consist of plan and profile, drawn to a scale of one inch equals fifty (50) feet horizontal and one inch equals five feet vertical on standard plan and profile cloth in sheets twenty-four (24) inches wide and thirty-six (36) inches long. Profiles shall show accurately the profile of the street and alley along each property line and along the centerline. Scale shall be stated in writing and shown graphically.

The final plat, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the Administrative Officer, by the deadline of the meeting it is to be reviewed. The plat shall be accompanied by a

review fee of \$100.00. When the final plat conforms to the approved preliminary plat and the requirements of ARTICLE VI and VII have been accomplished, certification to this effect shall be endorsed on the final plat by the Chairman of the Planning Commission.

Information Required: The final plat and accompanying documents shall show:

- a) The boundary lines of the area being subdivided with accurate distances and angles. The correct legal description of the property being subdivided shall be shown on the plat, or on an accompanying certificate.
- b) The lines of all proposed streets and alleys with their widths and names of all streets.
- c) The accurate outline of any portions of the property intended to be dedicated or granted for public use, with a statement of dedication thereon.
- d) The lot lines of all adjoining property and the right-of-way lines of adjoining streets and alleys with their widths and the names of all streets within one hundred (100) feet of the proposed subdivision.
- e) All lot lines together with an identification of all lots which shall be numbered consecutively.
- f) The location of all building lines and easements provided for public use, services or utilities.
- g) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100th of a foot.
- h) The radii, arcs or chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
- i) The location of all survey monuments and their descriptions.
- j) The name of the subdivision and a graphic scale of the plat, north arrow, the date, and the name of the owner or subdivider.
- k) Location sketch map showing relationship of subdivision site to area including boundaries referenced to the centerline intersection of the nearest public streets and recorded adjacent subdivisions showing subdivision name and recorded book and page number.
- l) Private restrictions and trusteeships and their periods of existence. In addition to private restrictions and trusteeships, the restrictions shall be required and shall specify the type of use as to residential, commercial and industrial, that is permitted in the subdivision and whether or not mobile homes and multi-family units are permitted. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- m) Acknowledgment of the owner or owners of the plat, and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- n) A letter of approval for the water and sewer system from the Kentucky Department of Natural Resources and Environmental Protection Agency must accompany the final plat submitted.

- o) Floodplain Note: “This property is/is not located in a flood hazard area as determined on Community Panel Number: _____, Effective Date: _____, Zone: _____.” (5-9-2002)
- p) PVA Map and Parcel identification. (5-9-2002)
- q) Health Department Note: “All lots are subject to the individual sewage disposal system requirements of the Kentucky Department of Health.” (5-9-2002)
- r) If driveway connections are to be made on a state road, include the following note: “All modifications of an existing entrance or the construction of a new entrance to a state maintained highway will require an encroachment permit obtained from the Kentucky Department of Highways, District 2.” (5-9-2002)
- s) Surveyor and/or engineer certificate of accuracy. (5-9-2002)
- t) “Planning Commission Certification: I hereby certify that this record plat was approved by the Hopkins County Joint Planning Commission on _____, 20____, and is now ready for recording. _____ (signature), _____ (date).” (5-9-2002)
- u) “County Engineer’s Certification: I hereby certify that improvement plans of this subdivision/this record plat have (has) been reviewed by me and are (is) in conformance with the subdivision regulations to the best of my knowledge and belief. _____ (signature), _____(date).” (5-9-2002)
- v) “Owner’s Certification: I (We) do hereby certify that I am (We are) the owner(s) of the record of the property platted herein which is recorded in Deed Book _____, Page _____, in the Hopkins County Clerk’s Office, do hereby adopt this plan for subdivision of this property, and do hereby establish and reserve the indicated easements for public utilities and drainage purposes. _____ Owner, _____ Date.” (4-3-2004)

Approved Plat Filed with the County Court Clerk: After the approval of the final plat by the Planning Commission, said plat shall be recorded in the Office of the County Court Clerk by the Administrative Officer at the expense of the subdivider.

ARTICLE VIII

Exceptions: Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this regulation would result in real difficulties or substantial hardship or injustice, the Planning Commission may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the County are protected and the general intent and spirit of this regulation preserved.

ARTICLE IX

Validity: If any ARTICLE, Section, subsection, sentence, clause or phrase of these Regulations is, for any reason, held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these Regulations.

ARTICLE X

Changes and Amendments: Any requirements or provisions of these Regulations may be changed and amended from time to time upon recommendation of the Planning Commission in accordance with applicable State Statutes.

ARTICLE XI

Enforcement: It shall be illegal to sell or offer to sell any lot, tract, or property which does not conform to the requirements of these regulations and every sale or attempt to sell shall be constituted a misdemeanor, such misdemeanor subject to a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars for each lot.

The Planning Commission may apply for an injunction against any type of subdivision construction by the subdivider or the landowner where the subdivision regulations have been violated.

ARTICLE XII

Any and all appeals or conflicts shall be vested in the Hopkins County Joint Planning Commission per KRS 100.273(1).

ARTICLE XIII

Conflicting Regulations Repealed – Effective Date: Any regulations or parts of regulations in conflict herewith are hereby repealed.

These regulations shall be in full force and in effect from and after its passage and approval as provided by law. [Adopted by Fiscal Court in 1977, rescinded and re-adopted by Fiscal Court July, 1985.]

ARTICLE XIV

Minor Subdivision Plats:

Purpose: The purpose of this article is to establish special requirements to expedite the preparation and processing of minor subdivision plats.

“Minor Subdivision” defined: As used herein a “minor subdivision” is the division or resubdivision of a tract of land into five (5) or fewer lots in which no new street is involved. (5-9-2002)

Repealer: Any regulation or part of regulation in conflict herewith is hereby repealed.

Procedure for Minor Subdivision Plats:

Plat Preparation: A plat suitable for recording shall be prepared by a qualified surveyor, engineer or other qualified person, after the developer has communicated with the Administrative Officer to determine if the proposed subdivision qualifies as a minor subdivision.

Submission: The developer shall submit for review three (3) minor plats and upon approval seven (7) minor plats prepared in accordance with this article to the Planning Commission for approval. (5-9-2002)

Review: The Administrative Officer shall review the plat for conformance to all applicable regulations. When the plat conforms to these regulations the Administrative Officer shall file the Commission’s certification of the plat to signify its approval and make the plat eligible for recording. After signing the plat by the Administrative Officer, one copy shall be returned to the developer, one copy lodged for record by the Administrative Officer, and one copy transmitted to the Commission to be placed on its agenda for the membership’s information and to secure a record in the minutes of the Commission.

Content and Format of Minor Subdivision Plat Material: Minor subdivision plats shall be prepared according to the following specifications:

Material and Size: Plats submitted shall be of good quality and contain neat and legible information. The plats shall be eight and one-half (8 ½) inches by fourteen (14) inches or eighteen (18) inches by twenty-four (24) inches.

Title Block: The title block shall be placed at the bottom of the sheet and shall include the name of the subdivision, the names and mailing addresses of the owner, the engineer or surveyor, graphic scale and date of preparation.

Land Subdivision Plat: The land subdivision plat shall be placed in the center of the plat sheet and shall show the boundaries of a subdivision in a heavy and solid permanent line. The following information shall also be placed on the plat: Acreage in the subdivision, names of rights-of-way, pavement width of all streets which abut, adjoin, or are included within the subdivision and width and location of all easements, PVA map and parcel identification and surveyor’s certificate of accuracy. Accurate bearings and dimensions shall be placed on all subdivision boundaries and lot lines. The scale of the drawing shall be one inch equals one hundred (100) feet when possible. Also adjoining properties shall have their intersections with the subdivision illustrated by dashed lines and the name of the adjacent property owners shall be placed on the plat. The record plat or deed

book and page number of all properties to be subdivided shall also be shown. The following notes shall be included: Floodplain Note: "This property is/is not located in a flood hazard area as determined on Community Panel Number: _____, Effective Date: _____, Zone: ____.", Health Department Note: "All lots are subject to the individual sewage disposal system requirements of the Kentucky Department of Health.", If driveway connections are to be made on a state road, include the following note: "All modifications of an existing entrance or the construction of a new entrance to a state maintained highway will require an encroachment permit obtained from the Kentucky Department of Highways, District 2." And "Planning Commission Certification: I hereby certify that this record plat was approved by the Hopkins County Joint Planning Commission on _____, 20____ and is now ready for recording. _____ (signature), _____ (date)." (5-9-2002); "Owner's Certification: I (We) do hereby certify that I am (We are) the owner(s) of the record of the property platted herein which is recorded in Deed Book _____, Page _____, in the Hopkins County Clerk's Office, do hereby adopt this plan for subdivision of this property, and do hereby establish and reserve the indicated easements for public utilities and drainage purposes. _____ Owner, _____ Date." (4-3-2004)

Certification Block: The certification block shall be placed at the bottom of the plat and next to the title block. It shall contain certification in the form prescribed by the Commission.

Resubdivision: Resubdivision shall be permitted for the purpose of enlarging the size of any previously subdivided lot or parcel of land beyond the original size of said lot(s) and may permit the reduction in size of any lot provided that such reduction shall not be in conflict with applicable zoning regulations.

Review of Plats Generally: The Administrative Officer is and shall be authorized to review plats filed under this article for compliance and to approve same for and on behalf of the Commission.

Review of Plats Made Prior to Adoption of Article: The Administrative Officer is authorized to review plats under this article of division of land made prior to the adoption of this article and to approve said plats nunc-pro-tunc.

APPENDIX A

HOPKINS COUNTY ROAD SPECIFICATIONS

March 1, 1991

New Subdivision Roads: All roadways in new subdivisions must be approved by the Hopkins County Joint Planning Commission. All roadways in said subdivisions shall meet the following standards and these standards shall apply to all subdivision plats, whether major, minor, preliminary or final:

Minimum Right-of-way:	Fifty (50) feet
Surface Width:	Twenty-four (24) feet
Shoulder Width:	Three (3) feet
Surface:	Six (6) inches compacted crushed stone Two (2) inches bituminous concrete binder One (1) inch bituminous concrete surface
Minimum width of pavement on cul-de-sac:	Seventy-four (74) feet

Adequate drainage approved by the County Engineer

Portland cement surface requests: handled on a case-by-case basis

Any new subdivision that is constructed on an existing county road must meet these standards except for where the existing right-of-way is less than fifty (50) feet. The Planning Commission may waive this requirement. However, the street width and composition must be constructed entirely in accordance with these standards.

The County Engineer shall review all streets in new subdivisions and may recommend to the Court that they be accepted into the county road system if all conditions are met.

Existing Road, Alley, Easement, Passway: Prior to the incorporation of any existing roads, alleys, easements or passways into the county road system, the road committee, as appointed by the County Judge/Executive, along with the County Engineer, shall review all requests. If the following minimum standards are met, the committee may recommend to the entire Fiscal Court that the road be accepted into the county road system for maintenance.

Minimum Right-of-Way: Forty (40) feet. The person or persons or entity requesting the acceptance of said roadway must make a deed of right-of-way to the Fiscal Court for the roadway, prior to said roadway, alley, easement or passway being accepted into the county road system for maintenance.

Surface Width: Sixteen (16) feet

Surface Composition: Six (6) inches of compacted crushed stone

Adequate drainage as approved by the County Engineer.

There shall be no wood bridges accepted into the county road system.

APPENDIX B

HOPKINS COUNTY NUISANCE ORDINANCE

December 9, 1999

General: The Hopkins County Fiscal Court does hereby establish the following reasonable standards, procedures and penalties for the enforcement of KRS 381.770 as it relates to unincorporated areas, or any municipality without a nuisance ordinance within the territorial jurisdiction of Hopkins County.

Definitions: For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or required a different meaning.

Dwelling: Any part of a building or its premises used as a place of residence or habitation of for sleeping by any person.

Nuisance: Public nuisance.

Unfit for Human Habitation: Dangerous or detrimental to life or health because of: want of repair; defects in the drainage, plumbing, lighting, ventilation, or construction; infection with contagious disease; or the existence on the premises of an unsanitary condition likely to cause sickness among occupants of the dwelling or adjoining properties.

Common Law and Statutory Nuisances: In addition to what is declared in this Ordinance to be a public nuisance, those offenses which are known to the common law and statutes of Kentucky as public nuisances may be treated as such an be proceeded against as provided in this Ordinance or in accordance with any other provision of law.

Certain Conditions Declared a Nuisance: It shall be unlawful for the owner, occupant, or person having control or management of any land within Hopkins County to permit a public nuisance of health hazard to develop thereon. The following conditions are declared to be public nuisances:

- a) Dwellings unfit for human habitation.
- b) Dilapidated buildings. Any building, house or structure which is so out of repair and dilapidated that it constitutes a fire hazard liable to catch on fire or communicate fire, or which due to inadequate maintenance or neglect, endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.
- c) Accumulation of rubbish. An accumulation on any premises of filth, refuse, trash, garbage, or other waste material which endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger of its catching or communicating fire, its attracting and propagating vermin, rodents, or insects, or its blowing of rubbish into any highway, road, street, sidewalk or property of another.

- d) Noxious, vile or offensive odors or smoke. Emission into the surrounding atmosphere of odor, dust, smoke or other matter which renders ordinary use, enjoyment of physical occupation of other property in the vicinity uncomfortable or impossible.
- e) Noise. Emission of noise which is noxious enough to destroy the enjoyment of dwellings or other uses of property in the vicinity by interfering with the ordinary comforts of human existence.
- f) Trees and shrubbery obstructing highways, county roads and streets. The growing and maintenance of trees with less than fourteen (14) feet clearance over roads, or the growing and maintenance of shrubbery within the radius of twenty (20) feet where the curb line of any highway, county road or street intersects the curb line of another highway, county road or street is prohibited if it interferes with the visibility of motorists using such public ways or restricts their passage.
- g) Keeping of animals. The keeping of dog kennels, cattle, swine or poultry within one hundred (100) feet of a dwelling other than the dwelling of the owner of the animal, or failure to keep the animal's pen, yard, lot or other enclosure in a sanitary condition and free from preventable offensive odor.
- h) Junk; scrap metal; motor vehicles. The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, refrigerators, stoves, washers, dryers, or scrap metal within the County limits except on premises authorized by the County for such purposes.
- i) Any condition which endangers public health.

Abatement Procedure:

- a) It shall be the duty of the Sheriff or other responsible officer designated by the Hopkins Fiscal Court to serve or cause to be served a notice upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this Ordinance and to demand abatement of the nuisance within seven (7) days unless the nuisance constitutes an immediate danger to the health and well being of the community. If such danger is present, the nuisance shall be abated within twenty-four (24) hours of notice. Notice shall be served upon persons by personal service or certified mail, but if the address of the persons is unknown and cannot be ascertained by the Sheriff or designated official in the exercise of reasonable diligence, the Sheriff or designated official shall make an affidavit to the effect, and the serving of notice may be made by publication in a newspaper of general circulation for two (2) consecutive days. A copy of the notice shall be posted in a conspicuous place on the premises affected by the notice and it shall be recorded in the office of the County Clerk.
- b) If the person so served does not abate the nuisance within seven (7) days, the County may, but is not required to, proceed to abate the nuisance of the County may employ independent contractors to abate the nuisance. The person or persons employed to abate the nuisance shall have the full right of access to the property with such personnel, machinery and equipment as are necessary to abate the nuisance. The County shall keep a record of the costs

- c) Charges for nuisance abatement shall be a lien on the premises. Nuisance abatement charges shall include labor, equipment usage, fuel and oil, attorneys fees, filing fees, publication cost, court costs, and all other fees and charges when incurred by the County for the abatement of the nuisance, enforcement of the lien and foreclosure on the property. Whenever a bill for charges remains unpaid for sixty (60) days after is has been rendered, the Fiscal Court or its designated representative may file with the County Clerk a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated and a notice that the County claims a lien for this amount. Notice of the lien claim shall be mailed to the owner of the premises if his address is known. However, failure to record the lien claim or to mail the notice, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for charges as provided in division (d) below.
- d) Property subject to a lien for unpaid nuisance abatement charges shall be sold for nonpayment and the proceeds of the sale shall be applied to pay nuisance abatement charges and attorney's fees after deducting costs. This foreclosure shall be in equity in the name of the County.
- e) The County Attorney shall institute such proceedings, in the name of the County, in any court having jurisdiction over the matter, against any property for which the bill has remained unpaid sixty (60) days after is has been rendered.

Nuisance Created by Others: The provisions of subsections 5a through 5e of this Ordinance shall not apply to an owner, occupant, or person having control or management of any land located in an unincorporated area if the owner, occupant or person is not the generator of the rubbish or is not dumping or knowingly allowing the dumping of rubbish and has made reasonable efforts to prevent the dumping of rubbish by other persons on the property.

Penalty: Whoever violates any provision of this Ordinance shall be fined not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense. Each day's continued violation shall constitute a separate offense. Whoever shall allow a nuisance to remain unabated for a period of thirty (30) days or more after receiving a notice thereof by uniform citation, criminal complaint, personal service or certified mail notice, or otherwise, may also be charged with a Class A Misdemeanor as defined in the Kentucky Revised Statutes.

AMENDMENT TO THE
HOPKINS COUNTY SUBDIVISION REGULATIONS

WHEREAS, SUBDIVISION REGULATIONS have been applicable to the County of Hopkins, Kentucky;

And,

WHEREAS, THE HOPKINS COUNTY JOINT PLANNING COMMISSION, as the sole authority over said subdivision regulations has identified a need to amend and update these regulations;

NOW, THEREFORE, BE IT ORDAINED by the Hopkins County Joint Planning Commission that the present Hopkins County Subdivision Regulations, adopted on July 12, 1985, be amended as follows (~~strikethrough~~ indicates deletion, underline indicates addition):

Article VI – Minimum Improvements, Section 4 – Survey Monuments. All subdivision boundary corners, street rights-of-way, and street intersections and ~~all points of tangency and points of curvature of all curves of streets and street intersections~~ shall be marked with permanent monuments by a pair of monuments, within line of sight, no less than 100 feet nor more than 500 feet apart. A permanent monument ~~shall be deemed to be concrete with one inch round rod center, at least 30 inches long, with a minimum dimension of six inches and appropriate marking shall consist of ½ inch minimum diameter steel rod or rebar of 24”~~ minimum length with an SPPLS identifying cap encased in a concrete filled 6” minimum diameter hole of 2 feet minimum depth.

Article V – Preliminary Plat, Section 2 – Information Required, (o).

Article VII – Final Plat, Section 2 – Information Required, (t).

Article XIV – Minor Subdivision Plats, Section 5 – Content and Format of Minor Subdivision Plat Material. If driveway connections are to be made on a state road, include the following note: ~~“This plat has been reviewed for driveway connections. Any concerns will be addressed directly to the owner/developer unless otherwise noted. (signature and date)”.~~ “All modifications of an existing entrance or the construction of a new entrance to a state maintained highway will require an encroachment permit from the KY Dept of Highways, District 2.”

HAVING BEEN APPROVED by the Hopkins County Joint Planning Commission on August 28, 2003 these amendments shall become effective upon publication, this the 5 day of September, 2003.

Patrick S. Walters
Patrick S. Walters, Chairman

9/2/03
Date

AMENDMENT TO THE
HOPKINS COUNTY SUBDIVISION REGULATIONS

WHEREAS, SUBDIVISION REGULATIONS have been applicable to the County of Hopkins, Kentucky; and,

WHEREAS, THE HOPKINS COUNTY JOINT PLANNING COMMISSION, as the sole authority over said subdivision regulations, has identified a need to amend and update these regulations;

NOW, THEREFORE, BE IT ORDAINED by the Hopkins County Joint Planning Commission that the present Hopkins County Subdivision Regulations, adopted on July 12, 1985, be amended as follows (~~strikethrough~~ denotes deletion, underline denotes addition):

Article V – Preliminary Plat, Section 2 – Information Required, (s). OWNER'S CERTIFICATION: I (We) do hereby certify that I am (We are) the owner(s) of record of the property platted herein which is recorded in Deed Book _____, Page _____, in the Hopkins County Clerk's Office, and do hereby adopt this plan for preliminary subdivision of this property. _____ Owner, _____ Date.

(p). Surveyor and/or engineer certificate of accuracy: I hereby certify that this plat was prepared by me or under my direction; that all monuments will be installed prior to final plat action; that the information shown hereon is correct to the best of my knowledge and belief; is a Class _____ survey completed by _____ method; and that all requirements of the Subdivision Regulations have been fully complied with. _____ Date _____ Licensed Surveyor _____ Stamp.

And,

Article VII – Final Plat, Section 2 – Information Required, (x).

Article XIV – Minor Subdivision Plats, Section 5 – Content and Format of Minor Subdivision Plat Material. OWNER'S CERTIFICATION: I (We) do hereby certify that I am (We are) the owner(s) of the record of the property platted herein which is recorded in Deed Book _____, Page _____, in the Hopkins County Clerk's Office, do hereby adopt this plan for subdivision of this property, and do hereby establish and reserve the indicated easements for public utilities and drainage purposes. _____ Owner, _____ Date.

HAVING BEEN APPROVED by the Hopkins County Joint Planning Commission on March 25, 2004, these amendments shall become effective upon publication, this the 3 day of April, 2004.

Patrick S. Walters
Patrick S. Walters, Chairman

3-30-04
Date