CITY OF FRANKFORT

Subdivision and Development Plan Regulations

Frankfort Board of Commissioners

Adopted February 16, 2004

Amendment #1 adopted
November 28, 2005

Amendment #2 -Revised Open Space
September 25, 2006

Amendment #3 – Certificate of Occupancy
August 27, 2007

Amendment #4 (utilities/appeals/driveways)
December 17, 2007

Initial Adoption by
Frankfort and Franklin County Planning Commission
November 20, 2003

November 20, 2003

These regulations were prepared under the auspices of the Legislative and Planning Commission members listed below. Thanks to the many other staff and citizens of Frankfort and Franklin County that participated in the development of the Subdivision and Development Plan Regulations.

Frankfort City Commission Members:

Hon. William I. May, Jr., Mayor
Cathy Carter
J. W. Byran
Lynn Bowers
Rodney Williams

Planning and Zoning Staff:
Gary Muller, Director
Robert Hewitt, Planning Supervisor
Justin Evilsizor, Staff Planner

Franklin County Fiscal Court Members

Hon. Robert Roach
County Judge Executive
Jill Robinson, 1st District
Phillip Kring, 2nd District
Howard Dawson, 3rd District
Ira Fannin, 4th District
Huston Wells, 5th District
Lambert Moore, 6th District

Planning and Zoning Staff:
Vickie Sewell, Director

Frankfort and Franklin County Planning Commission Members:

Carlos Pugh, Chair
Annie Metcalf
Keith Lee
Joel M. Schrader
Darel Sanderson
Joe Sanderson
David Garnett
Sherron Jackson
Marshall Flynn
Dwayne Cook
Robert Mason

Part
1

Part 1

General Provisions

1.01.00 TITLE

These regulations shall be known and may be cited as the Frankfort and Franklin County Subdivision and Development Plan Regulations.

1.02.00 PURPOSE

The Frankfort and Franklin County Subdivision and Development Plan Regulations are intended to guide the design and **DEVELOPMENT** of land for residential, commercial, industrial, and civic purposes. These regulations are intended to ensure: the proper arrangement of **STREETS**; safe, convenient, and efficient traffic circulation; adequate and convenient open spaces and recreation areas; protection of environmentally sensitive areas; minimization of fire hazards; adequate light and air; mitigation of flood hazards; provision of potable water, sewage treatment, drainage facilities, and other utilities, facilities, and services; and enhancement of the unique character and aesthetics of the City, County, individual communities, and neighborhoods. It is further intended that these regulations provide guidelines for development in the City, County, individual communities, and neighborhoods in a manner that is consistent with the **COMPREHENSIVE PLAN FOR FRANKFORT AND FRANKLIN COUNTY.**

1.03.00 LEGISLATIVE AUTHORITY

The Frankfort and Franklin County Subdivision and Development Plan Regulations are adopted under authority granted by the Kentucky Revised Statutes (KRS), Chapter 100.273.

1.04.00 APPLICABILITY

The provisions of the Frankfort and Franklin County Subdivision and Development Plan Regulations shall apply to all lands within the municipal limits of the City of Frankfort, Kentucky, and within the boundaries of Franklin County, Kentucky.

1.05.00 EFFECT ON PREVIOUSLY APPROVED PLATS AND DEVELOPMENT PLANS

The design and construction requirements of the Frankfort and Franklin County Subdivision and Development Plan Regulations shall not apply to:

A. **SUBDIVISIONS** that have previously received Preliminary Plan approval, provided that such approvals have not expired at the time of adoption of the Frankfort and Franklin County Subdivision and Development Plan Regulations;

B. **SUBDIVISIONS** that have received a Preliminary Plan review by the **TECHNICAL REVIEW TEAM**, provided that the Preliminary Plan is approved by the **PLANNING COMMISSION** within six months of the effective date of these regulations;

C. **SUBDIVISIONS** within the municipal boundaries of the City of Frankfort and were approved by the **PLANNING COMMISSION** prior to July 12, 1983, provided that such approval has not expired at the time of adoption of these regulations; and

D. **SUBDIVISIONS** within the jurisdiction of Franklin County and were approved by the **PLANNING COMMISSION** prior to December 7, 1987, provided that such approval has not expired at the time of adoption of these regulations.

E. **DEVELOPMENT PLANS** approved by the **PLANNING COMMISSION** prior to the effective date of these regulations.

1.06.00 EXEMPTIONS

Pursuant to KRS Chapter 100.111(22), the division of land for **AGRICULTURAL USE** and not involving a new **STREET** is exempt from the regulations of this Chapter.

Commentary Pertaining to Section 1.06.00
The definition of "agricultural use" used in Section 1.06.00 "means the use of (a) 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 for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public; (b)regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156; (c) a tract of at least five (5) contiguous acres used for the following activities involving horses…; or (d) a tract of land used for the following activities involving horses…". KRS 100.111 (2), as amended July, 2004.

1.07.00 MAP OF URBAN, SUBURBAN, AND RURAL AREAS

Figure 1.1 depicts the location and extent of designated Urban, Suburban, and Rural areas. This map shall be known as the "Map of Urban, Suburban, and Rural Areas." The purpose of the map is to depict those areas subject to **SUBDIVISION** and **DEVELOPMENT PLAN** regulations applicable to Urban areas as set forth in Part 2, those areas subject to **SUBDIVISION** and **DEVELOPMENT PLAN** regulations applicable to Suburban areas as set forth in Part 3, and those areas subject to **SUBDIVISION** and **DEVELOPMENT PLAN** regulations applicable to Rural areas as set forth in Part 4. When a property is located in more than one area type, the following rules shall apply:

A. For a property located in an Urban and Suburban Area, the requirements of Part 2 shall apply to the entire property;

B. For a property located in a Suburban and Rural Area, the requirements of Part 3 shall apply to the entire property; and

C. For a property located in a Urban, Suburban and Rural area, the **PLANNING COMMISSION** shall determine which area requirements shall apply.

1.08.00 INTERPRETATION OF MAP BOUNDARIES

Where uncertainty exists as to the boundaries of Urban, Suburban and Rural areas shown on Figure 1.1, the following rules shall apply.

A. Boundaries indicated as approximately following the centerlines of **STREETS**, highways, **ALLEYS**, or other public **RIGHTS-OF-WAY** shall be construed to follow such centerlines. Where the **STREET**, highway, **ALLEY**, or **RIGHT-OF-WAY** has been vacated through official action of the governing body, the boundary shall be construed to follow the centerline of the vacated **RIGHT-OF-WAY**.

B. Boundaries indicated as approximately following platted lot lines, section lines, or tract lines, shall be construed to follow such lines.

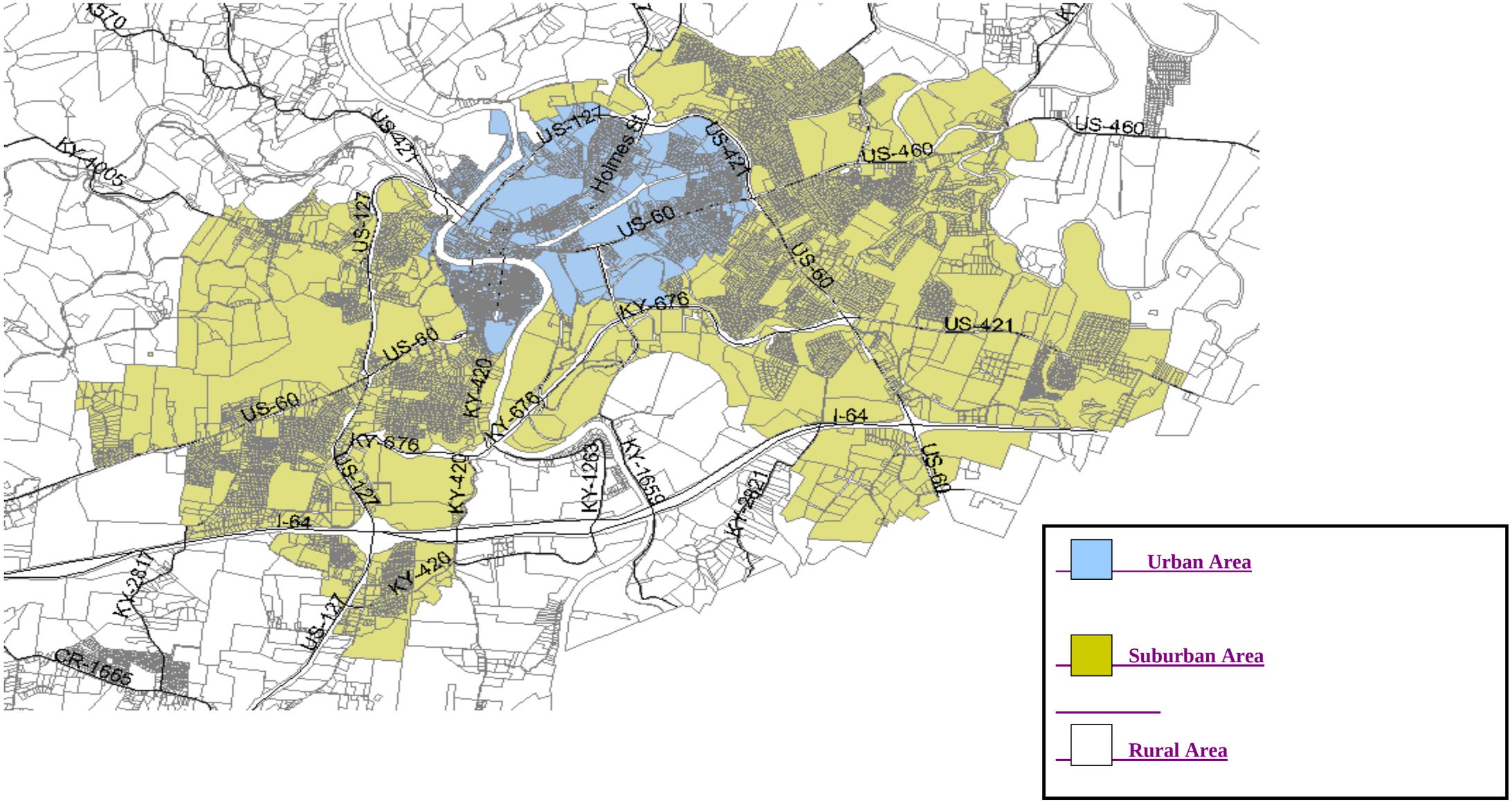
C. Boundaries indicated as approximately following city limits lines shall be construed to follow such city limits lines.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of canals, streams, or other bodies of water shall be construed to follow such centerlines.

F. Where features existing on the ground are different than those shown on the Figure 1.1, or where other uncertainty exists, the **PLANNING COMMISSION** shall render an interpretation on the location of the boundary line in question.

Figure 1.1 Urban, Suburban and Rural Areas
Frankfort and Franklin County



1.09.00 ADMINISTRATION OF REGULATIONS

The **FRANKFORT AND FRANKLIN COUNTY PLANNING COMMISSION**, and its designees, shall administer these regulations. All applications, fees, maps, and documents relative to plan approval shall be submitted to the Commission. The City of Frankfort and Franklin County shall designate appropriate and sufficient staff to handle the daily administration of these regulations on behalf of the **PLANNING COMMISSION**. The **FRANKFORT AND FRANKLIN COUNTY PLANNING COMMISSION** is empowered to appoint a **SUBDIVISION** committee, composed of members of the Commission, to study proposed **SUBDIVISIONS** and site developments. However, no plan may be approved except by official action of the **PLANNING COMMISSION** or its duly authorized designee. The administration of these regulations shall be carried out in conformance with the requirements of Part 7 of these regulations.

1.10.00 PLANNING COMMISSION ACTION ON VARIANCES TO THESE REGULATIONS

The **PLANNING COMMISSION** is hereby empowered to do all things necessary and proper to administer and enforce these regulations, including, but not limited to, the power to hear and finally decide applications for **VARIANCES** when a proposed development involves a **SUBDIVISION** and one or more **VARIANCES** from the dimensional requirements of these regulations. In considering applications for variances under these regulations, the **PLANNING COMMISSION** shall assume all powers and duties otherwise exercised by the Board of Zoning Adjustment pursuant to KRS, 100.231 through 100.251. The applicant for the **SUBDIVISION**, at the time of filing of the application for the **SUBDIVISION,** may elect to have a **VARIANCE** for the same development to be heard and finally decided by the **PLANNING COMMISSION**, or by the Board of Zoning Adjustment as otherwise provided by KRS 100.

Commentary Pertaining to Section 1.10.00

This Section authorizes the **PLANNING COMMISSION** to act as the Board of Zoning Adjustment when a request for a variance is filed in conjunction with an application for subdivision approval.

1.11.00 SUBDIVISION REQUIRES A PLAT

No person shall subdivide land without the approval and recording of a **MAJOR** or **MINOR RECORD PLAT** in accordance with the requirements of these regulations. In the event that any unapproved plat has been recorded, land has been sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of the provisions of these regulations, then the requirements of KRS 100.292 shall apply.

Commentary Pertaining to Section 1.11.00

KRS 100.292 states as follows, "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 this chapter pertaining to the regulation of **SUBDIVISIONS**, the owner or owners of record shall file plats of the land in accordance with this chapter. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of this chapter, the land shall be governed by **THE SUBDIVISION** regulations both prior to and after the platting of the land by the owner of record as if a plat had been filed in accordance with the provisions of this chapter pertaining to **SUBDIVISION** regulations. Plats filed pursuant to this section may be filed by the last transferee in the chain of title including holders of deeds which may otherwise be void under KRS 100.277(2)."

1.12.00 STATUS OF LOTS CREATED IN VIOLATION OF THE PROVISIONS OF THIS CHAPTER

No **BUILDING PERMIT** or certificate of occupancy shall be issued for any structure on any parcel or **LOT** that was created in violation of these regulations.

1.13.00 MINIMUM STANDARDS

In their interpretation and application, the provisions of these regulations shall be held to these minimum requirements, adopted for the promotion of the public health, safety, and general welfare. All developers should consider developing their **SUBDIVISIONS** at higher standards. The **PLANNING COMMISSION** may require standards above the minimum contained herein whenever it finds that public health, safety, and welfare purposes justify such increases. Whenever the provisions of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the provisions that is more restrictive or imposes a higher standard or requirement shall govern.

1.14.00 SEVERABILITY OF REGULATIONS

These regulations are severable and the invalidation of any portion hereof by any court of competent jurisdiction shall in no way affect the validity of any other portion.

1.15.00 AMENDMENT OF REGULATIONS

These regulations may be amended from time to time as provided by law, and in accordance with the provisions of Part 7, Section 7.11.00. *(amended 12-17-07)*

1.16.00 RULES OF INTERPRETATION

1.16.01 Generally

For the purposes of these regulations, certain terms, words and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

A. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

B. Tense: Words used in the present tense include the future.

C. Number: Words in the singular number include the plural; and words in the plural include the singular, unless the obvious construction of the wording indicates otherwise.

D. Gender: Words in the masculine gender include the feminine, and neuter, and vice-versa.

E. Shall, Should, May, Includes – The word "shall" is mandatory; the word "should" is directive but not mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

F. The phrase "used for" includes "arranged for," "designed for.", "intended for," "maintained for," or "occupied for."

G. The word "**LOT**" includes the words "plat" or "parcel."

H. Measurement of Distances: Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

I. Interpretation of Undefined Terms: Terms not otherwise defined herein shall be interpreted first by reference to the adopted **COMPREHENSIVE PLAN** or **ZONING REGULATIONS**, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other practices; and otherwise according to common usage, unless the context clearly indicates otherwise.

1.16.02 Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, design standards, construction and improvement standards, other criteria, definitions, procedures, or any other provisions of the Frankfort and Franklin County Subdivision and Development Plan Regulations, the **PLANNING DIRECTOR,** or duly authorized designee, shall, on behalf of the **PLANNING COMMISSION**, be responsible for interpretation.

1.16.03 Computation of Time

The time within which an act must be done shall be computed by counting working days, excluding the first and including the last day. Saturdays, Sundays, and legal holidays shall be excluded from the computation. The **PLANNING COMMISSION** shall determine and cause to be published a list of legal holidays applicable to the computation of time prior to the beginning of each calendar year.

Part 2

Part 2

Urban Area Subdivision and Development Design Requirements

2.01.00 GENERALLY

2.01.01 Intent

The requirements of Part 2 are provided to ensure that the **SUBDIVISIONS** and **DEVELOPMENT PLANS** within the Urban Area are consistent with the predominant characteristics of urban types of **DEVELOPMENT**. It is the intent of the **PLANNING COMMISSION** that land proposed to be subdivided shall be suitable for development, including consideration of flood hazards; geologic hazards; availability of adequate water supply, sewage disposal, storm water facilities, transportation facilities, and schools; or consideration of other such conditions as may endanger the health, life, or property of the citizens of Frankfort and Franklin County.

Commentary Pertaining to 2.01.00
A building site is any group of one (1) or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger development site. Building site area does not include surface water bodies or floodways, but does include wetlands. (From Part 10 – Definitions)

2.01.02 Applicability

SUBDIVISIONS and **DEVELOPMENT PLANS** within the boundaries of the Urban Area, as depicted on the Map of Urban, Suburban, and Rural Areas (Figure 1.1 located in Part 1), shall comply with the requirements of this Part. (See Section 1.07.00 for the rule applicable to properties located in more than one type of area.)

2.02.00 STANDARDS FOR LOT LAYOUT AND DEVELOPMENT DESIGN

2.02.01 Compliance with Zoning District Requirements

SUBDIVISIONS and **DEVELOPMENT PLANS** within the Urban Area shall comply with the requirements of the zoning district in which the **SUBDIVISION** or site is proposed. Zoning district regulations govern **BUILDING PLACEMENT**, density and intensity of use.

2.02.02 Lot and Block Design Requirements

A. **LOT AREA** and dimensions shall conform to the applicable zoning district standards, except as otherwise provided herein. **LOT AREA** shall be consistent with the average **LOT AREA** within the **NEIGHBORHOOD**, but not less than the minimum standards established for the applicable zoning district(s). Consistency means that the proposed **LOTS** are within ten (10) percent of the **AVERAGE LOT AREA** of all **LOTS** within the **NEIGHBORHOOD.**

B. **LOT DEPTH** to width ratio standards will be based on the type of access. Where access to a **LOT** is from a frontage **STREET**, the lot depth to width ratio should not exceed 2.5 to 1. Where access is located at the rear of a **LOT,** either by **ALLEY**, **STREET** or **EASEMENT**, the lot depth to width ratio should not exceed 5 to 1 or a maximum depth of two hundred (200) feet.

Commentary Pertaining to 2.02.02(B)

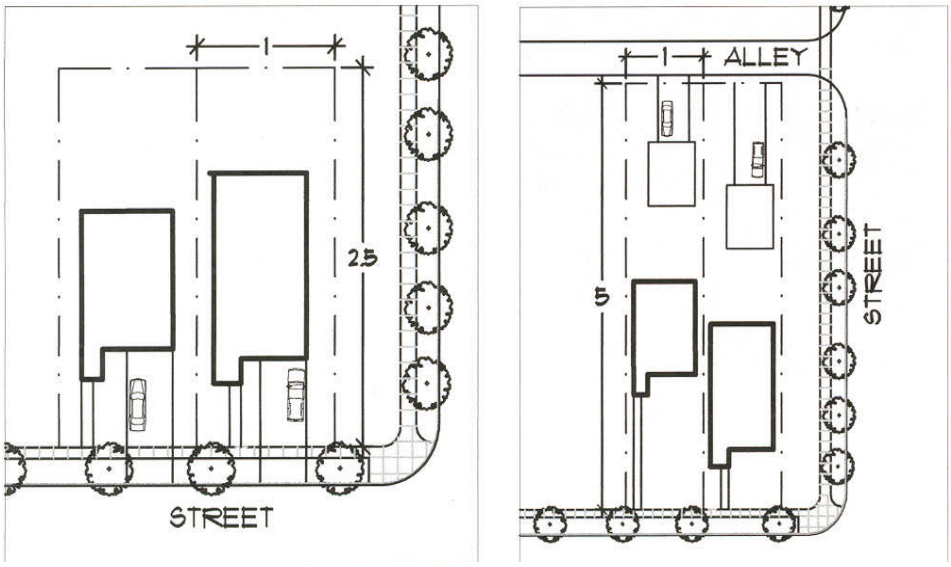
The intent of Section 2.02.02 (B) is to ensure that new subdivisions and Building Sites in the urban area are of similar configuration and that lot or building site area is as similar as possible to the existing development pattern.

Average lot area is determined by summing the total lot area of all lots within the "neighborhood." Neighborhood can be defined by one of three methods depending on the context. The first method is generally applicable for residential neighborhoods with a predominant housing type. In this context the average lot area is determined by summing the area of all lots and/or Building Sites within the same block and all abutting blocks, then dividing by the total number of lots and/or Building Sites within the same area.

The second method is for neighborhoods with multiple housing types. In this context the average lot area is determined by summing the width of all lots and Building Sites within the same block face along both sides of the street, then dividing by the total number of lots and Building Sites within that same area.

The third method is intended to address a mixed use or non-residential context. Average Building site Area can be determined by summing the area of all Building Sites fronting the same street within two blocks of the proposed subdivision or site development, and dividing by the total number of Building Sites in that same area.

Figure 2.1 Lot Depth to Width Standards

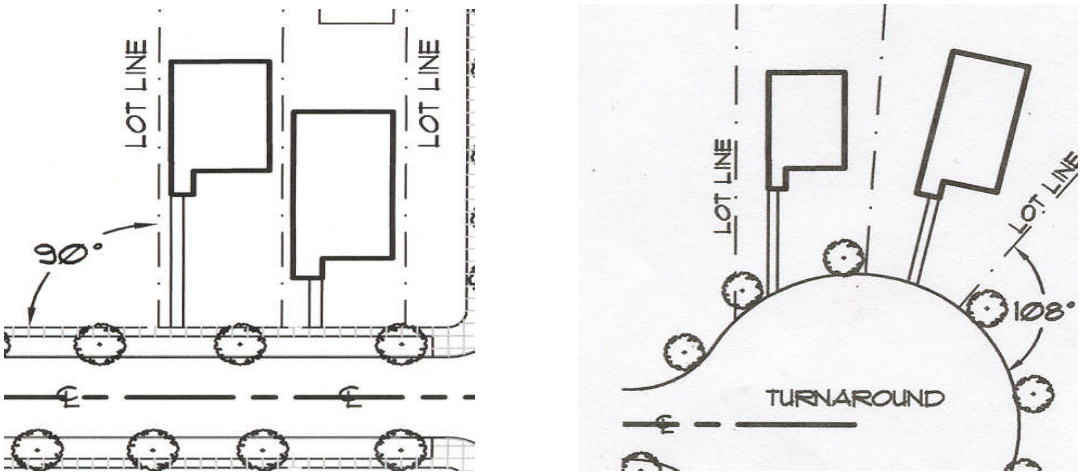


Front Access Lot – 2.5 : 1 Ratio **Rear Access Lot – 5 : 1 Ratio**

C. **LOTS** should be configured so that side **LOT** lines are at right angles to the **LOT FRONTAGE** or **STREET FRONTAGE** whenever practical. Lots fronting on the turnaround portion of a CUL-DE-SAC street present one situation where it may not be practical for side LOT lines to forma right angle with Lot or STREET frontage.

Figure 2.2 Illustration of Lot Line Standards

Lot Line at Right Angle to Street **Lot Line Not at Right Angle to Street**

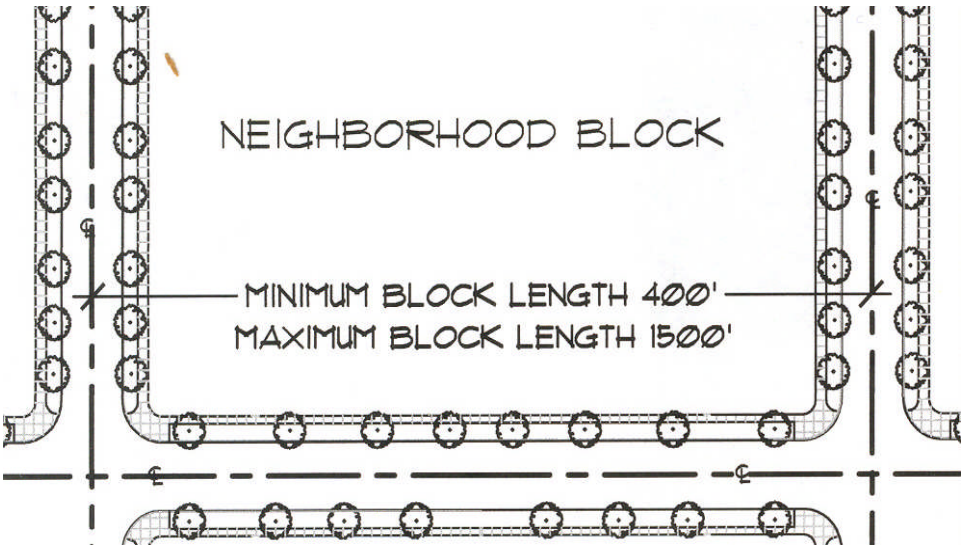


D. **SUBDIVISIONS** should not be configured with **DOUBLE FRONTAGE** or **REVERSE FRONTAGE LOTS** unless the configuration is needed to provide for the separation of residential development from major transportation **THOROUGHFARES; LOTS** developed or zoned for commercial use; **LOTS** developed or zoned for industrial use; or lots developed or zoned as Planned Unit Developments (PUD).

E. **CORNER LOTS** shall have sufficient frontage on the two **ABUTTING STREETS** to ensure that all **BUILDING PLACEMENT** standards are met.

F. The length of **BLOCKS** along the primary STREET frontage shall be consistent with the average **BLOCK** length of the **NEIGHBORHOOD**, but shall not be less than 400 feet or more than 1,500 feet. **BLOCK** length shall be measured from the centerline of intersecting **STREETS** that establish the **BLOCK**. The determination of the primary STREET frontage shall be based on highest functional classification. Where all STREETS that form the BLOCK are of the same functional classification, the primary STREET frontage shall be determined from the longest STREET.

Figure 2.3 Block Design Standards



G. **BLOCKS** should be configured to accommodate two (2) rows of **LOTS.** An exception may be granted where **DOUBLE FRONTAGE LOTS** or **REVERSE FRONTAGE LOTS** are allowed, pursuant to 2.02.02 (E).

H. **FLAG LOTS** shall not be permitted in the Urban Area.

2.03.00 TRANSPORTATION SYSTEM REQUIREMENTS

2.03.01 Street System Classification

A. The proposed **STREET** system of the **SUBDIVISION** or site shall conform to the system of **THOROUGHFARES** and **NEIGHBORHOOD STREETS** established in the Urban Area. Extensions and connections of new **THOROUGHFARES** and **STREETS** to existing **THOROUGHFARES** and **STREETS** shall be required to continue the transportation system and pattern of the Urban Area. The proposed transportation system shall provide for adequate and safe on and off-street parking, and adequate and safe loading and unloading of goods and equipment.

B. The proposed street system of the **SUBDIVISION** or site shall conform to the **MAJOR STREET PLAN. (**See Transportation Plan contained in the Frankfort and Franklin County Comprehensive Plan)

2.03.02 Design Standards - Thoroughfares and Neighborhood Streets

A. The minimum **RIGHT-OF-WAY** width, as measured from **LOT** line to **LOT** line, shall be as provided in the **MAJOR STREET PLAN**, but shall not be less than the standards shown below in Table 2.1.

Table 2.1 Minimum Right-of-Way Requirements – Urban Area

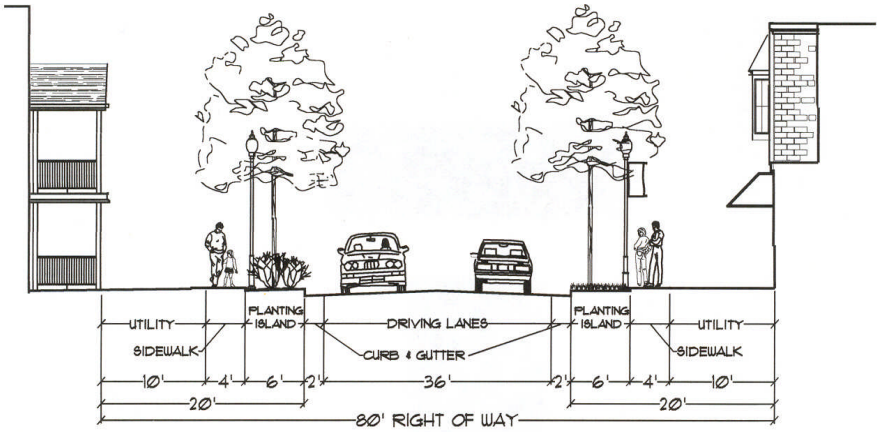
Urban Area Street Type Classification	Minimum ROW (feet) No On-Street Parking CG Section(1)		Minimum ROW (feet) With On-Street Parking One or Both Sides CG Section (1)	
Thoroughfares	**3 lanes**	**5 lanes**	**3 lanes**	**5 lanes**
Arterial	80	104	96	NA
Collector	70/80(3)	94/104(3)	86/96 (3)	110/120 (3)
Marginal/Frontage	50	NA	NA	NA
Neighborhood Streets	**2 lanes**	**3 lanes**	**2 lanes**	**3 lanes**
Major	60	71	76/87(3)	87/97(3)
Minor	40	NA	50 (5)	NA
Alley/Common Drive (2)	30 (4)	NA	NA	NA

(1) A CG section includes the **CURB** and gutter along both sides of the **STREET** as well as raised medians.
(2) Curbs and gutters are required for the Alley/Common Drive unless waived by the applicable **ENGINEERING OFFICIAL**..
(3) The additional 10 feet of right-of-way may be required for the purpose of increasing the width of sidewalks when the Major Thoroughfare provides access to commercial properties.
(4) The minimum right-of-way may be increased to provide for drainage facilities and a portion of the required right-of-way may be provided in a utility easement.
5) On-street parking is only permitted along one side of the street opposite to side containing fire hydrants and potable water lines. Where on-street parking is provided the curb shall be painted and a sign placed at the entrance to the **SUBDIVISION** to denote where on-street parking is permitted.

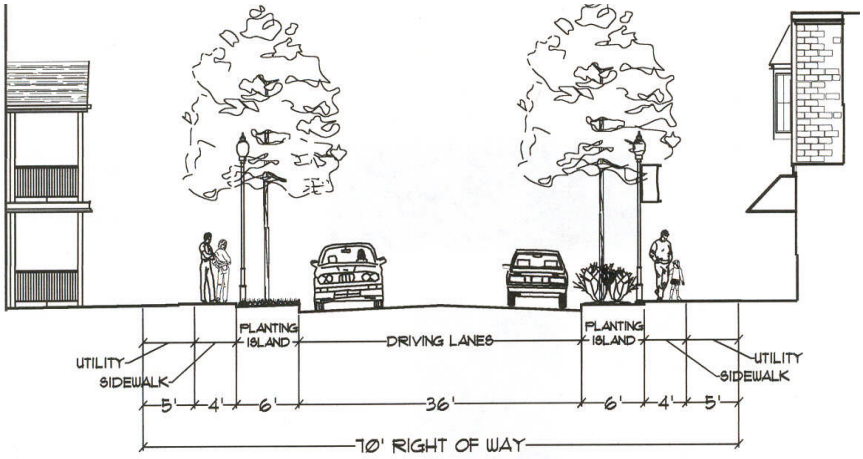
Note: The references to 3 and 5 lanes for street types are based on two or four travel lanes and one left turn lane.
Note: The **RIGHT-OF-WAY** standards assume that left turn lanes are painted to separate movements. If a raised median is planned, the right-of-way requirements will be increased to accommodate the additional curb and gutter.

B. Typical Cross-Sections and Requirements for Thoroughfares and Neighborhood Streets – The following Figures contain all right-of-way and design requirements that shall be applicable for these classifications.

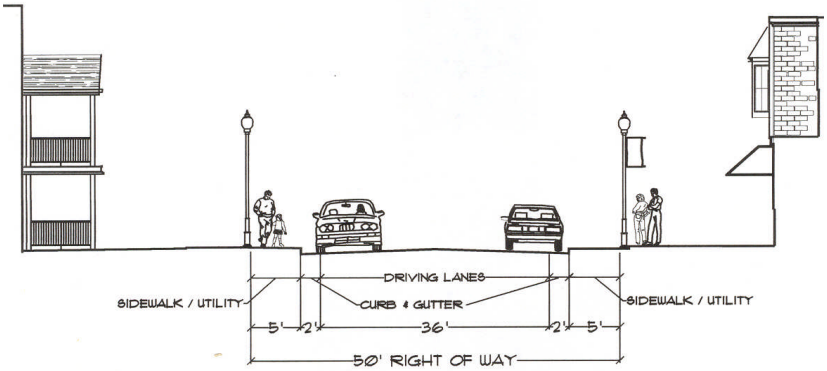
Figure 2.4 Thoroughfare Design Standards



Arterial Thoroughfare Cross-Section
If on-street parking is included, an additional 8 feet per side is recommended for parking lanes



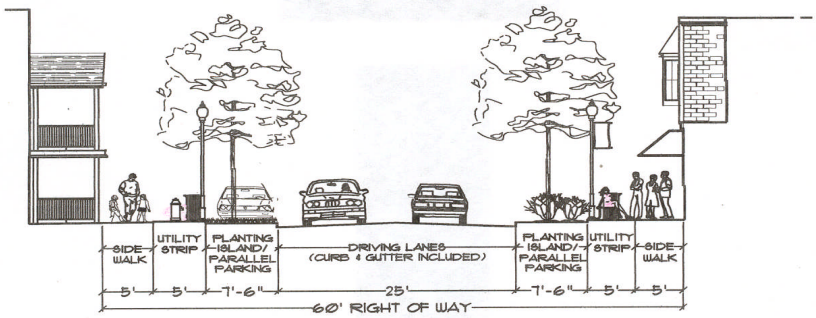
Collector Thoroughfare Cross-Section
If on-street parking is included, an additional 8 feet per side is recommended for parking lane



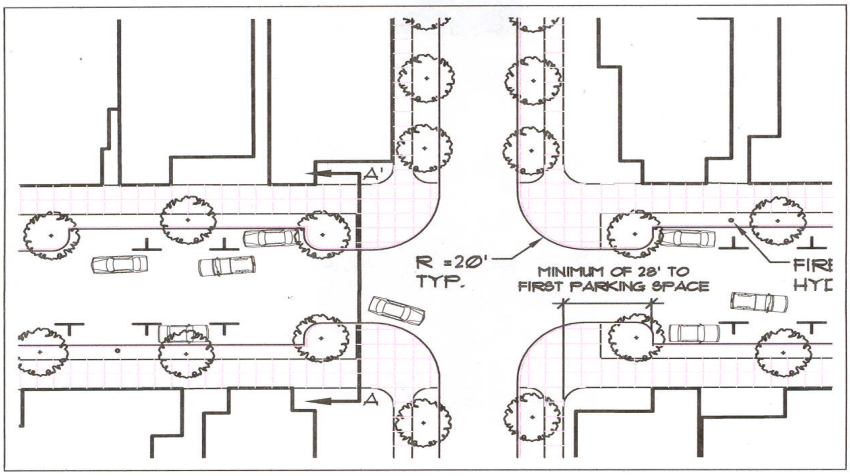
Marginal/Frontage Thoroughfare Cross-Section

Figure 2.5 Major Neighborhood Street Design Standards

Major Neighborhood Streets should be utilized within SUBDIVISIONS and sites when serving a mixture of residential and non-residential LAND USES, or high density or intensity development. This classification of Local Street is also appropriate when the road will serve as an internal residential collector, providing access from Minor Streets to Major Thoroughfares.



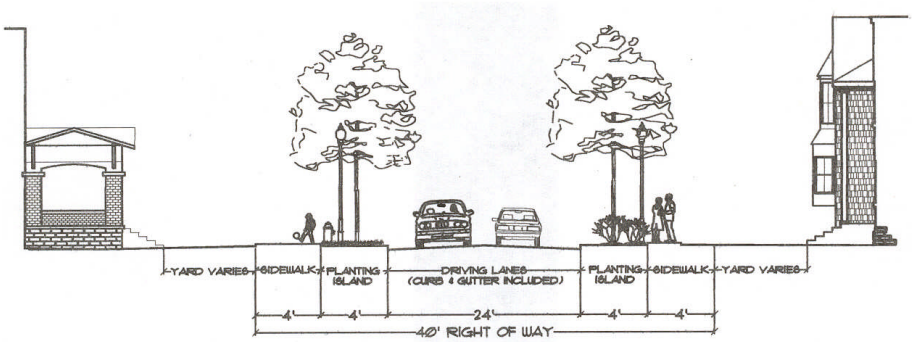
MAJOR STREET ELEVATION A-A'



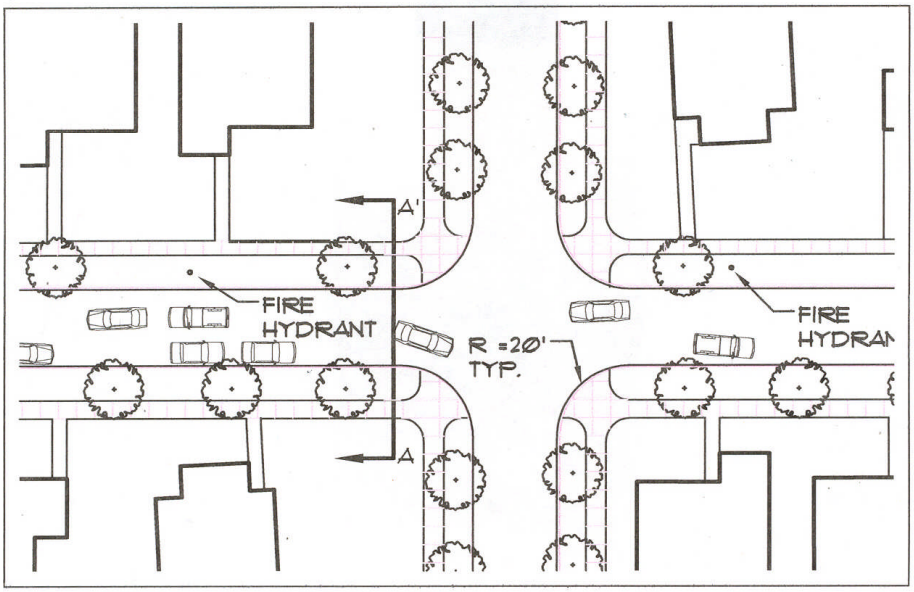
(Major Street Plan – Internal Layout - not an entrance detail.)

Figure 2.6 Minor Neighborhood Street Design Standards

Minor Neighborhood Streets should be utilized within SUBDIVISIONS and sites to provide access to individual LOTS and BUILDINGS SITES. When Minor Neighborhood Streets are utilized in conjunction with ALLEYS, on-STREET parking along one side of the STREET should be provided. When ALLEYS are not present, on-STREET parking should not be provided.



NEIGHBORHOOD MINOR STREET ELEVATION A-A'



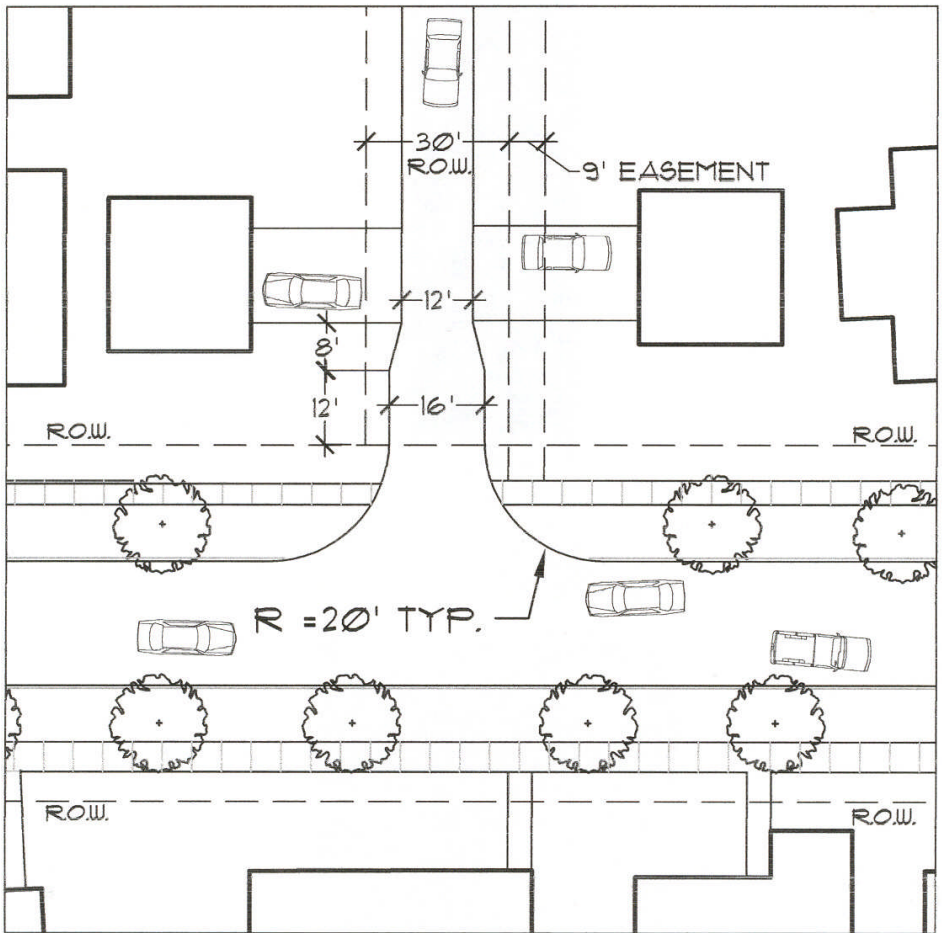
NEIGHBORHOOD MINOR STREET PLAN

50' RIGHT-OF-WAY, 0N-STREET PARKING ONLY PERMITTED ALONG ONE SIDE OF THE STREET. 20' CURB RADIUS AT TRAVEL LANE. SIDEWALKS 4' WIDTH MINIMUM

(Minor Street Plan – Internal Layout - not an entrance detail.)

Figure 2.7 Neighborhood Alley/Common Drive Design Standards

The ALLEY/Common Drive street type should be utilized when rear access to LOTS and BUILDING SITES are planned. A variable width (9 feet is shown on the drawing) utility easement may be required in addition to the thirty foot RIGHT-OF-WAY when electric service is provided from the rear of LOTS and BUILDING SITES. Also, the minimum pavement width may be increased when the alley/common drive is intended to serve LOTS and/or BUILDING SITES within a block longer than four hundred (400) feet.



C. **SUBDIVISIONS** that are platted or sites proposed for DEVELOPMENT along existing **THOROUGHFARES** and **STREETS** that do not meet the standards of 2.03.02(A) shall provide additional **RIGHT-OF-WAY** sufficient to meet the minimum standards.

1. Where the **SUBDIVISION** is located on one side of the existing **STREET** that does not meet the minimum **RIGHT-OF-WAY** standards, one-half (1/2) of the needed **RIGHT-OF-WAY** shall be provided. The required **RIGHT-OF-WAY** shall be based on a measurement from the centerline of the existing **STREET**.

2. Where the **SUBDIVISION** or site is located along both sides of an existing **STREET** that does not meet the minimum **RIGHT-OF-WAY** standard, all additional **RIGHT-OF-WAY** shall be provided.

3. The minimum pavement width for **THOROUGHFARES** and **STREETS** shall be as indicated in the cross sections for **THOROUGHFARES** and **STREETS.**

D. The centerline of all **THOROUGHFARES** and **STREETS** shall intersect as nearly at a ninety (90) degree angle as possible for a tangent distance of at least one hundred (100) feet, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred and five (105) degrees.

E. Where T–type intersections are permitted, the following minimum offsets set forth in Table 2.2 shall be required.

Table 2.2 Minimum Offset Requirements for T-type Intersections

Intersection Type	Minimum Offset Between Centerlines (in feet)
Arterial with Arterial	600
Arterial with Collector or Frontage	600
Arterial with Major Neighborhood St.	600
Arterial with Minor Neighborhood St.	600
Collector with Collector	400
Collector with Frontage	400
Collector with Major Neighborhood St.	400
Collector with Minor Neighborhood St.	400
Major Neighborhood St. with Minor or Alley/Common Dr.	150

F. Intersections shall not be designed with more than four (4) approaches. This design requirement shall not be construed to prohibit merging lanes, deceleration lanes, or traffic circles.

G. The highest classification of **THOROUGHFARE** or **NEIGHBORHOOD STREET** shall be considered the through **STREET** when intersecting with any other classification of **THOROUGHFARE** or **NEIGHBORHOOD STREET**.

H. The minimum and maximum **GRADES** for all classified **STREETS** is shown in the following table:

Table 2.3 Minimum and Maximum Grades

Thoroughfare or Neighborhood Street Type	Grades	
	Minimum	Maximum
Arterial	0.5%	5%
Collector/Frontage	0.5%	8%
Major/Minor/Alley	0.5%	8-12% (1)

(1) The **GRADE** may not exceed 8% unless specifically authorized by the applicable **ENGINEERING OFFICIAL** and provided that additional landing area is provided where the **STREET** intersects with another **STREET**.

I. Where the grade of any **THOROUGHFARE** or **NEIGHBORHOOD STREET** at the approach to an intersection exceeds three (3) percent, a leveling area shall be provided, having a **GRADE** not greater than three (3) percent for a distance of fifty (50) feet back from the edge of the **RIGHT-OF-WAY** of the intersecting **STREET**.

J. A change in **GRADE** shall be connected by a vertical curve that provides a minimum sight distance equal to: the distance an automobile will travel in six (6) seconds at the design speed of the road; or 220 feet at 25 MPH, 310 feet at 35 MPH, 400 feet at 45 MPH, 500 feet at 55 MPH. This standard may be reduced at the discretion of the applicable **ENGINEERING OFFICIAL** in order to preserve scenic, cultural or historic resources.

K. The minimum horizontal curve radius for **THOROUGHFARES** shall be 600 feet and 100 feet for **NEIGHBORHOOD STREETS** unless an alternative is approved by the applicable **ENGINEERING OFFICIAL.**

L. The minimum radius for **THOROUGHFARE** curb intersections shall be thirty-five (35) feet. The minimum radius for **NEIGHBORHOOD STREET** curb intersections shall be twenty (20) feet. All measurements shall be from the **PAVEMENT** edge.

M. Dead-end **NEIGHBORHOOD STREETS** shall not be included in **SUBDIVISIONS** proposed in the Urban Area, unless topography or the existing **STREET** pattern requires a dead-end **STREET**. When a dead-end **STREET** is proposed, the **STREET** shall meet the following standards:

1. The **STREET** shall be designed as a permanent dead-end street.

2. The dead-end **STREET** shall not be longer than 500 feet.

3. The **STREET** shall be designed with a closed end with a turn-around at a minimum centerline radius of fifty (50) feet.

N. **THOROUGHFARE** and **NEIGHBORHOOD STREET** names shall meet the following standards as well as those in Part 9 Street Naming, Closing and Site Addressing Procedures

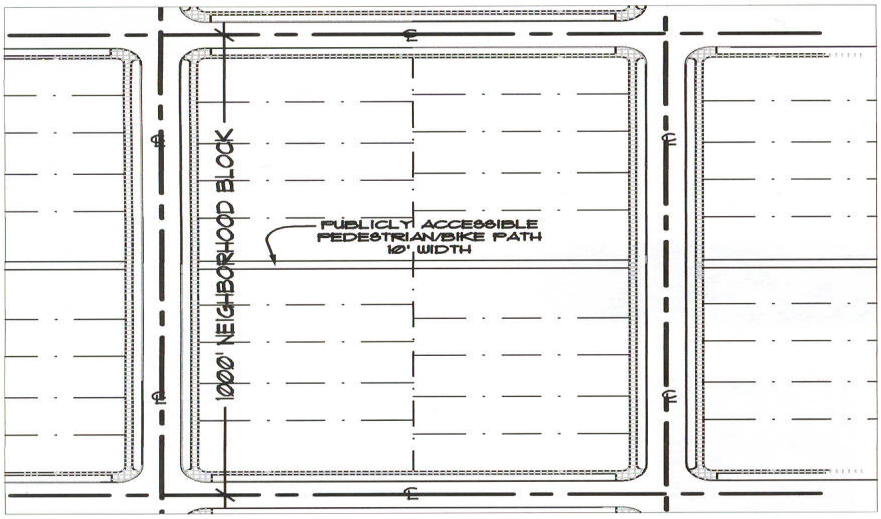
1. **THOROUGHFARE** and **NEIGHBORHOOD STREET** extensions shall bear the same name as the existing **STREET.**

2. **THOROUGHFARE** and **NEIGHBORHOOD STREETS** that align with existing **STREETS** shall bear the same name as the existing **STREET**.

O. There shall be no private **THOROUGHFARES** or **NEIGHBORHOOD STREETS** in Urban area **SUBDIVISIONS**, except that dedication to the public of a cross-access **EASEMENT** for **ALLEYS** is acceptable.

P. In **BLOCKS** over eight hundred (800) feet in length, the **PLANNING COMMISSION** may require one (1) or more publicly accessible pedestrian and/or bike paths ten (10) feet in width to extend approximately from the midpoint of one **BLOCK** face to the midpoint of the opposing blockface.

Figure 2.8 Location of Publicly Accessible Pedestrian/Bike Path



Q. **THOROUGHFARE** and **NEIGHBORHOOD STREET PAVEMENT** design and construction standards are shown in Table 2.4. **PAVEMENT** base shall consist of not less than two courses (five inch maximum per lift) of dense graded aggregate laid and rolled separately to at least ninety (90) percent maximum density, totaling the required number of inches based on **STREET** type for the full width of **PAVEMENT** and including any proposed shoulder/curb. Sub-grade shall have been graded and rolled to ninety (90) percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point as required for the applicable street type. A surface or wearing course of Asphalt Concrete, Class I, Type "A", or the equivalent shall be applied, with a thickness at the thinnest point of one (1.5) inches.

Table 2.4 Pavement Design and Construction Standards

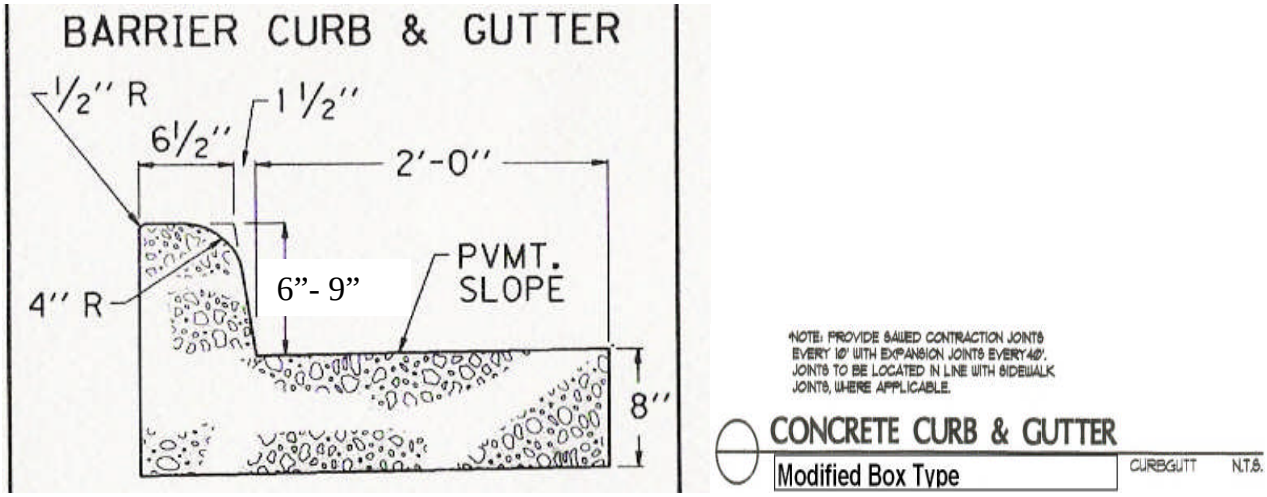
Type	Compacted DGA Base (inches)	Bituminous Asphalt Base (inches)	Finish Grade Bituminous Asphalt (inches)
Arterial	12	4	1.5
Collector	10	4	1.5
Neighborhood Streets	10	3	1.5

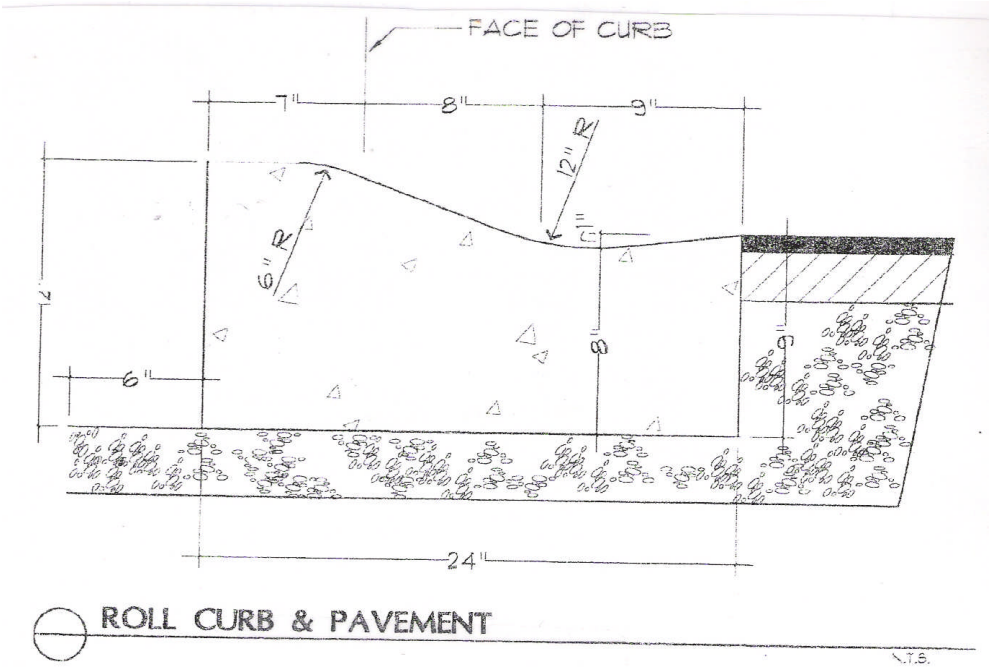
R. Straight battered Portland cement box type, or Portland cement roll type, concrete curbs and gutters shall be designed in accordance with current Kentucky Bureau of Highways or AASHTO standards. The box type curb and gutter section shall be required for use on all Thoroughfares and the cur or roll type sections may be constructed in conjunction with a Neighborhood Street in the Urban Area. This standard shall not be modified. In addition, the following is required when box or roll type curb and gutter sections are planned and constructed.

1. Cut-outs and repair of straight or roll type curb and gutter sections to accommodate driveways, alleys or other forms of access shall be completed prior to the issuance of a certificate of occupancy for any principal structure on the building site served by the driveway, alley or other form of access.

2. Developers may install all driveway aprons at time of installation of the curbs to avoid the costs associated with removing such curbs at time of installing a driveway connection onto the new road system.

Figure 2.9 Illustration of Box Type Concrete Curb and Gutter Alternatives





2.03.02.S. ALTERNATIVE TO DESIGN STANDARDS. *(amended 12-17-07)*

Any applicant with a project that requires the installation of public infrastructure may submit a written request to the appropriate Engineering Official that their proposed development utilize design practices that are consistent with A Policy on Geometric Design of Highways and Streets (current edition) published by the American Association of State Highway and Transportation Officials (AASHTO). Such request shall specify the section(s) to which the AASHTO guidelines are to be applied. Approval by the appropriate Engineering Official of a portion or all of the request may be authorized without the need of Planning Commission review.

When the Engineering Official has determined that the request is consistent with the AASHTO standards, such designs may be authorized without the need of Planning Commission review.

2.03.03 Design Standards for Street Drainage

All **STREETS** shall be designed in accordance with the applicable storm water management and design guidelines for the City of Frankfort or Franklin County.

2.03.04 Design Standards for Street Signs

Developers of **SUBDIVISIONS** and sites are responsible for placement of **STREET** signs in accord with the following requirements:

A. The developer shall place at least two **STREET** name signs at each four-way **STREET** intersection and one at each "T" intersection.;

B. **STREET** signs shall be installed within the parkway, free of visual obstruction, and easily legible;

C. All **STREET** signs must be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and shall be metal with reflective lettering; and,

Commentary Pertaining to 2.03.03 (C)
The MUTCD can be viewed or downloaded from the following website. http://mutcd.fhwa.dot.gov/12.28.01.htm

D. The developer, or successor in interest, will be responsible for the maintenance and replacement, when necessary, of any aspect of a required **STREET** sign that exceeds the minimum requirements of the MUTCD and has been approved by the applicable **ENGINEERING OFFICIAL.** This would include decorative features associated with the signage.

2.03.05 Street Connectivity Standards

A. Wherever a proposed **SUBDIVISION** or site abuts unplatted land or a future **DEVELOPMENT** phase of the same **DEVELOPMENT**, **STREET** stubs shall be installed to allow access to abutting properties or to logically extend the **STREET** system into the surrounding area.

B. All **STREET** stubs shall be installed with a turn-around having a radius at the outside of the **PAVEMENT** of forty-five (45) feet, and a radius at the outside of the **RIGHT-OF-WAY** of at least fifty (50) feet.

2.03.06 Design Standards for Sidewalks

A. All **SIDEWALKS** shall be constructed of Portland Cement concrete, or other material acceptable to the applicable **ENGINEERING OFFICIAL**, with a minimum three thousand five hundred (3,500) pounds per square inch Class A concrete, and shall have a minimum thickness of four inches and contain fiber reinforced mesh.

B. **SIDEWALKS** shall be constructed on thoroughly compacted sub grade and shall conform in width to the requirements for specific **THOROUGHFARE** or **NEIGHBORHOOD STREET** classifications.

C. **SIDEWALKS** shall be scored in squares, with the minimum spacing based on one (1) foot per foot of **SIDEWALK** width. Expansion joints shall be placed at thirty-two (32) foot intervals, or where necessary based on the **GRADE**, location of driveways, and other features of the **SIDEWALK** corridor. **SIDEWALK** slope toward the curb shall be one-quarter (1/4) of an inch to the foot.

D. **SIDEWALKS** shall be located not less than six (6) inches from the property line in residential areas to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.

E. **SIDEWALKS** shall be designed to connect to and extend existing **SIDEWALKS**.

F. Ramps at intersections shall be provided to comply with the design requirements of the Americans with Disabilities Act.

G. **SIDEWALKS** should properly connect with pedestrian crosswalks, and part of the responsibility of the developer for the installation of **SIDEWALKS** will include the delineation of pedestrian crosswalks on the surface of the **STREET** consistent with the requirements of the applicable **ENGINEERING OFFICIAL**.

H. **SIDEWALKS** are required along both sides of a street as depicted in Section 2.03.02.

2.03.07 Emergency Vehicle Access *(amended 12-17-07)*

A. **SUBDIVISIONS** or sites shall provide for emergency vehicle access consistent with the type and density or intensity of use.

B. For proposed **DEVELOPMENTS** of fifty (50) or fewer residential **LOTS** or 30,000 square feet or less of gross floor area of non-residential use (Type A Development) a single two (2) lane, two-way access from the **SUBDIVISION** or site to the transportation system shall be sufficient for emergency access. A single one-way lane may be permitted as an alternative to the standard above with the written approval of the applicable ENGINEERING OFFICIAL.

C. For proposed **DEVELOPMENTS** with fifty-one to one hundred (51-100) residential **LOTS** or 30,001-150,000 square feet of gross floor area of non-residential use (Type B Development), a single lane ingress and a two lane egress access divided by a raised median shall be sufficient for emergency access. The length

of this divided access, measured from the centerline of the connecting **THOROUGHFARE** or **STREET,** shall be determined from Table 2.5 below. **The width of the median is provided in 2.03.09.**

D. For proposed **DEVELOPMENTS** with more than one hundred (100) residential **LOTS** or 150,001 or more square feet of gross floor area of non-residential use (Type C Development), a minimum of two (2) separate access **STREETS** or driveways to the abutting transportation system shall be provided. **If a development site fronts on two roadways (other than I-64), then a driveway on each shall be required.** The type and design requirements for both of these access **STREETS** or both driveways should be separated with a raised median as shown in figure 2.10 below unless otherwise determined in writing by the **ENGINEERING OFFICIAL** upon recommendation of both the applicable Fire Chief and Planning Director.

Figure 2.10 Illustration of Driveway Design for Emergency Vehicle Access

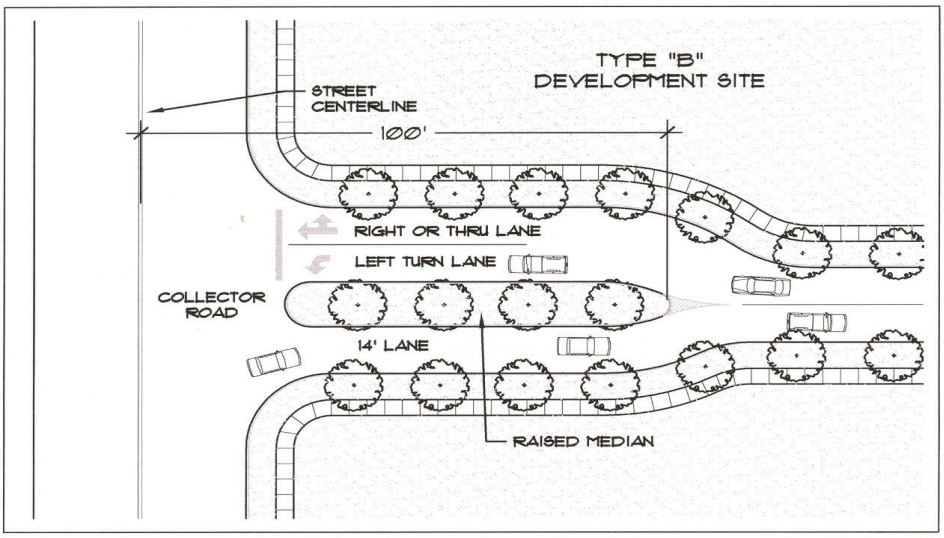


Table 2.5 Length of Access Based on Street Classification

Roadway Type	Type A Development	Type B Development	Type C Development
Arterial	100 ft.	120 ft.	160 ft.
Collector	80 ft.	100 ft.	140 ft.
Neighborhood Streets	60 ft.	100 ft.	120 ft.

2.03.08 Access from Residential Lots to Thoroughfares *amended 12-17-07)*

Access from residential **LOTS** to **THOROUGHFARES** shall be prohibited in the Urban Area except where the provision of access is determined by the **PLANNING COMMISSION** to be an important element in the preservation of the scenic or historic character of the **THOROUGHFARE** or **STREET.** Where such access is allowed, the spacing of such access locations shall conform to the general pattern of **LOT** access driveways along the roadway.

Commentary Pertaining to Sections 2.03.07 and .08
In addition to the access management standards of these sections, please refer to the access management requirements of the Zoning Regulations.

2.03.09 Access Connection and Driveway Design Standards *amended 12-17-07)*

Driveways from individual **LOTS** or **DEVELOPMENT SITES** to **THOROUGHFARES** or **NEIGHBORHOOD STREETS** shall be designed in accordance with the standards below:

A. Driveway width shall be determined by the following requirements:

1. If the driveway is a one-way in or one-way out drive, then the driveway shall be a maximum width of sixteen (16) feet and shall designate the driveway as a one-way connection.

2. For two-way access, each lane shall have a minimum width of twelve (12) feet. Whenever more than two (2) lanes are proposed, entrance and exit lanes shall be divided by a raised median. The median shall be not less than four (4) feet wide or thirteen (13) feet wide if five (5) or more lanes are proposed. An exception to this median design is if the access is on a state right-of-way and the KYTC will not approve this design with the minimum median size. The applicant must provide written documentation to the Planning Director that KYTC will not approve such a design and what alternative design closest to the requirement will be acceptable. to KYTC.

   NOTE: Nothing in this section shall prevent the applicable Engineering Official to allow the median to be tapered or striped for safety purposes.

3. Driveways that enter the major **THOROUGHFARE** or **NEIGHBORHOOD STREET** at traffic signals must have at least two outbound lanes (one for each turning direction) of a least twelve (12) feet in width, and one inbound lane with a fourteen (14) foot width, unless otherwise authorized by the applicable Engineering Official.

B. On-street parking shall be prohibited within the entire length of the access driveway as determined from Table 2.5.

C. Driveway **GRADES** shall conform to the requirements of the Kentucky Transportation Cabinet Standard Index, Roadways and Traffic Design Standard Indices, latest edition, but in no case shall a driveway **GRADE** exceed twelve (12) percent.

D. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is not permitted.

2.04.00 PUBLIC FACILITY AND SERVICE REQUIREMENTS

2.04.01 Required Facilities and Services

SUBDIVISIONS AND DEVELOPMENT PLANS proposed within the Urban Area shall provide for the following facilities and services: potable water, sanitary sewer, flood hazard protection, storm water management, gas, electricity, cable, and telephone.

2.04.02 Water System Design and Fire Protection Standards

All Urban Area **SUBDIVISIONS** and sites are required to have adequate potable water service from a public utility provider for drinking water and fire protection. All **SUBDIVISIONS** and sites shall comply with the design standards below and, where applicable, those standards adopted by the Frankfort Plant Board. Where standards contained herein are determined to conflict with the standards adopted by the Frankfort Plant Board or other potable water provider, the more stringent standard shall apply. The applicable Engineering Official shall consult with the utility service provider and make the final determination that standards are in conflict and which standard is more stringent.

A. Water mains shall be not less than six (6) inches in diameter, including fire hydrant branch connections. Larger mains may be required when warranted by service or topographic conditions

B. Dead end water service to a **SUBDIVISION** or **DEVELOPMENT SITE** should not be permitted. Water service mains should connect to the distribution system at a minimum of two (2) points to avoid interruption of service should one main be out of service. A single point of connection to the public distribution system may be permitted when it is determined that a second connection is not feasible due to the physical limitations of the site.

C. Water mains should be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of this standard, eight (8) inch or larger mains must be used.

D. The distribution system for **SUBDIVISIONS** and sites shall be equipped with a sufficient number of valves located in a manner such that breakage or other interruption will not cause the shut down of any portion of a main greater than eight hundred (800) feet.

E. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the public water service provider.

F. Fire hydrants shall be able to deliver a minimum of five hundred (500) gallons per minute or other rate of water flow as determined by the applicable FIRE DEPARTMENT OFFICIAL, for fire fighting purposes. Friction loss between the main and the hydrant should be minimized to ensure that the hydrant can deliver the specified flow of water.

G. Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½) inch outlets and one (1) four and one-half (4 ½) inch main steamer or pumper outlet and an isolation valve must be installed between the STREET main and the hydrant.

H. Hydrant spacing shall be determined by the fire flow demand standards below or as determined for a specific SITE by the applicable FIRE DEPARTMENT OFFICIAL:

1. Higher density residential and commercial areas, where the proposed density is greater than three (3) dwelling units per net acre or greater than a 0.15 **FLOOR AREA RATIO**, shall have hydrants located as to keep hose lines at a maximum of five hundred (500) feet. At a minimum, there shall be enough hydrants appropriately spaced within the **SUBDIVISION** or **SITE** to make two (2) streams of water available at every part of the interior and exterior of each building not covered by standpipe protection. Private hydrant design and installation (private hydrants are those located on private property and not within a public right-of-way or easement) may also be required to comply with the standard to make available two (2) streams of water at every part of the interior and exterior of each building not covered by standpipe protection.

Commentary Pertaining to Section 2.04.02 (H) (1)
The property owner will be responsible for the design, installation and maintenance of the water distribution system and fire hydrants to be placed within a site, outside of a public right-of-way or easement.

2. For lower density or intensity residential or commercial areas, hydrant spacing shall not exceed eight hundred (800) feet between hydrants. In higher density residential and commercial developments, hydrant spacing shall not exceed 500 feet between hydrants, nor shall any portion of a building be further than 500 feet from a hydrant installed to protect it.

3. Fire hydrants shall be located as close to a **STREET** intersection as possible with intermediate hydrants along the **STREET** or on the site of the premises so as to meet area requirements. Hydrants should be located in designated **STREET** tree planting areas or other portion of the right-of-way designated for utilities.

4. Measurements for distances referenced above shall be made along an all-weather road (never measured through or across yards, fields, woods, creeks, or other avenues not accessible to fire apparatus) for laying hose lines.

I. All fire hydrants shall be placed a minimum of fifty (50) feet from the exterior wall of any building to be protected. When such placement is impossible, hydrants shall be placed where the chance of injury by falling walls is minimized and where firefighters are not likely to be driven away by smoke or heat. The height of proposed buildings shall be considered for minimum distance when the fifty (50) foot distance is not possible.

2.04.03 Sanitary Sewer System Design Standards

All Urban Area **SUBDIVISIONS** and sites are required to have adequate sanitary sewer service from a public utility provider. All **SUBDIVISIONS** and sites shall comply with the design standards adopted by the public utility provider as well as those listed below:

A. The maximum length of sanitary sewer pipe between manholes is 350 feet.

2.04.04 Flood Hazard Protection Standards

Any land lying below the intermediate regional flood elevation as designated by the U.S. Army Corps of Engineers or five hundred seven (507) feet above mean sea level (MSL) as determined from the published data and maps of the U. S. Geological Survey (USGS) shall be considered as subject to repeated flooding unless the land is rendered flood free by a flood protection facility or is flood proofed by acceptable FEMA regulations. Land that is subject to repeated flooding or is deemed to be topographically unsuitable for any residential or non-residential use shall not be approved for **SUBDIVISION** or site **DEVELOPMENT**, nor for any other use that may create danger to the public health, life, or property or aggravate erosion or flood hazards.

All **SUBDIVISIONS** and sites shall be designed to conform to the requirements of any applicable Floodplain Zone (See the Frankfort and Franklin County Zoning Regulations).

2.04.05 Storm Water Management Design Standards

All Urban Area **SUBDIVISIONS** and sites are required to have adequate storm water management facilities to limit the post development peak runoff from a **SUBDIVISION** or site to the predeveloped value for the ten (10) year, one

(1) hour and one-hundred (100) year, six (6)hour storm events. Additionally, such facilities shall be capable of conveying the one hundred (100) year, twenty four (24)hour peak flow rate assuming the principle spillway is fully clogged. All **SUBDIVISIONS** and sites shall comply with the storm water standards for Frankfort and Franklin County.

2.04.06 Gas, Electricity, Cable, and Telephone Service Design Standards

Except as provided in (A) or (B) below, all gas, electric, cable, telephone, and similar utilities provided to new **SUBDIVISIONS** and **DEVELOPMENT SITES** shall be placed underground in **RIGHTS-OF-WAY** or **EASEMENTS** as required. Above-ground utility service facilities, other than junction boxes, transformers and related ground-mounted equipment, are prohibited except as provided in accordance with (A) or (B) below. All permitted above ground service facilities shall be appropriately placed in or near front, side, or rear yard setbacks and should not be placed any closer than two (2) feet to the front or rear property line.

A. **SUBDIVISIONS** or **SITES**, wherein more than seventy-five percent of the total number of residential units qualify as **AFFORDABLE HOUSING,** will be permitted to be serviced by above ground electric and telephone utility service facilities. In order to qualify for this provision, the developer of the SUBDIVISION or SITE shall provide to the PLANNING COMMISSION a written statement justifying and certifying that the requisite number of residential units will be sold at a price consistent with the definition of "affordable" as described in the commentary below or as may be determined by policy of the PLANNING COMMISSION from time to time. Also, the developer's certification statement shall also describe a binding method of enforcement to ensure that the requisite number of affordable dwelling units will be achieved over the life of the project, and the actions that the developer will take to ensure enforcement.

B. Above ground electric service may be provided to a SUBDIVISION or SITE when it is determined by the applicable PLANNING DIRECTOR or more of the following conditions exist: 1) the SUBDIVISION or SITE is located in an area where adjoining developed SUBDIVISIONS or SITES are served from above ground facilities; and/or 2) the SUBDIVISION or SITE can be served from existing overhead electric facilities without the need to construct new overhead facilities.

C. For all commercial and multi-tenant residential developments, a minimum three (3) inch ID, Schedule 40 PVC conduit will be provided to the Service Demarcation Point for Frankfort Plant Board Cable/Telecommunication facilities. The Demarcation Point is within a six (6) foot radius of the electric meter for external BUILDING terminations, or the mechanical room (wiring closet) near the electric service panel for terminations inside a BUILDING. A pull box is required for conduit runs having more than two (2) sweeping, ninety (90) degree bends between the Frankfort Plant Board cable/telecommunication access point and the Service Demarcation Point.

Commentary Pertaining to Section 2.04.06
Subpart (A) is intended to help reduce the cost of site development and eventual housing cost in order to support the production of affordable housing units in Frankfort and Franklin County. The definition of "affordable" is a maximum sale price, including closing costs, equal to 2.5 times the median household income for Franklin County.

2.04.07 Public Transit Standards

A. All non-residential developments with more than 100,000 square feet of gross floor area shall be required to conform to the following public transit standards:

1. Provide a transit shelter in a location as determined appropriate by the public transit authority, if the location is not currently identified in the long-range plan for transit facilities.

2. Provide a publicly accessible sidewalk from the transit shelter to the principal entrance to the development. The principal entrance for a multi-tenant structure shall be the entrance for the principal tenant, or the tenant with the largest amount of gross floor area.

B. Residential **SUBDIVISIONS** are encouraged, but not required, to construct a multi-purpose pedestrian shelter (s) in common open space areas within in the development to provide a covered waiting area for school children and transit-riders.

2.05.00 EROSION AND SEDIMENTATION

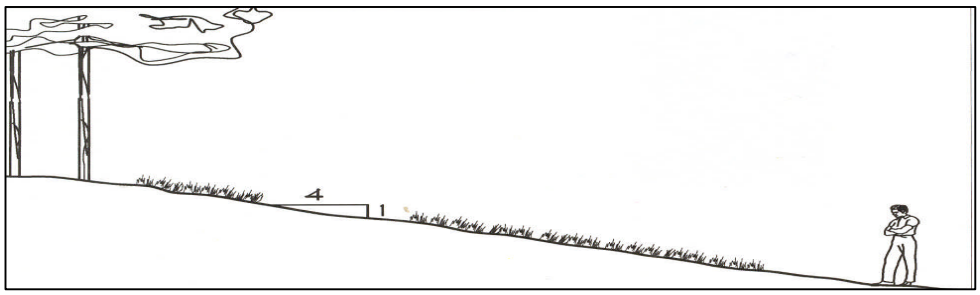
2.05.01 Control Measures

A. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching and/or seeding to prevent erosion. To protect ditches and other areas from erosion, the following protective measures shall be required for all **SUBDIVISIONS** and **SITES**:

Grade of Ditch	Required Protection
Less than 1%	Seed and fertilize entire ditch and slopes.
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slope.
5.01% to 7%	Paved invert, and paved slope to six (6) inches above maximum flow depth, with four (4)inch thick reinforced concrete. Seed all other areas not paved in the right-of-way.
All over 7.01%	Seeded and pave as above, but with alternate side diagonal baffles at about three (3) to four (4) foot on center to retard flow.

B. All seeding and fertilization shall be done in conformance with the guidelines established by the Franklin County Conservation District. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, the contractor will correct it immediately, to the satisfaction of the applicable **ENGINEERING OFFICIAL.**

Figure 2.12 Illustration of a 4 : 1 Slope Ratio



C. Effective sediment control measures shall be incorporated in the planning and construction of **SUBDIVISIONS** and sites. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb one (1) or more acres. The permit shall be obtained from the Division of Water, the Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. Practical combinations of the following technical principles shall be applied:

1. The smallest practical area of land shall be exposed at any one (1) time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.
3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.
5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural non-invasive vegetation shall be retained and protected.

2.06.00 DEDICATION OF EASEMENTS

2.06.01 Type, Location and Extent of Easements

Where appropriate and to the fullest extent possible, **EASEMENTS** required by these regulations shall be located and of sufficient width and extent as to provide for the installation and ongoing maintenance of the facilities or service installed within the EASEMENT, without creating a conflict with the application of other SUBDIVISION or zoning regulations. **EASEMENTS** shall be fully indicated on the **RECORD PLAT or DEVELOPMENT PLAN.**

Commentary Pertaining to Section 2.06.01
The location and extent of easements should be planned to reduce the potential for conflicts with the application of other land development regulations. For example, where required landscape buffers and easements overlap in area with utility easements coordination between the utility provider, property owner and planning commission will be required in order to accomplish the objectives of both the landscape and utility easements.

A. The **PLANNING COMMISSION** may require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed **EASEMENTS** at least twelve (12) feet in width. The Commission may require a paved sidewalk for pedestrian safety within such an **EASEMENT.**

B. Where a **SUBDIVISION** or SITE borders on a watercourse in an area designated in the **COMPREHENSIVE PLAN** for public recreational use, the **PLANNING COMMISSION** may require easements to be reserved for public access to the water.

C. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within **STREET RIGHTS-OF-WAY**, perpetual unobstructed **EASEMENTS** of sufficient width for such utilities shall be provided across property outside the **STREET** lines and with satisfactory access to the **STREET.**

D. Where a **SUBDIVISION or SITE** is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water **EASEMENT** or drainage **RIGHT-OF-WAY** conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the applicable **ENGINEERING OFFICIAL** to permit the construction of improvements designed to restrict flooding on adjoining properties. Parallel **STREETS** or medians may be required.

2.07.00 STREETSCAPE, LANDSCAPE, LIGHTING, AND OPEN SPACE DESIGN STANDARDS

2.07.01 Public Open Space Required *(amended 9-25-06)*

A. Any Subdivision, Condominium, or Development proposing a residential land use of twenty-six (26) lots/units or more shall provide public open space based on the following design standards:

1. 1,089 sq.ft. of platted open space area per lot or unit OR 5% of the gross acreage of the original parent tract, whichever is less.

2. Platted open space shall be maintained by the homeowners association of the development/subdivision/condominium. Alternative to maintenance:

   a. The Developer may choose not to provide the required homeowners association for the development and dedicate the required open space area to an accepted land trust provided the land trust is willing to accept the dedication and the Planning Commission approves this alternative method.

3. Platted open space areas shall be allowed to contain common amenities such as pavilions, playgrounds, accessory structures, walkways, bike paths, trails, and the like. These areas may also consist of natural preserved scenic corridors, steep slopes, retention basins, and golf courses; however, rights-of-way, driveways, parking for residential uses and areas from the top of rim to the lowest elevation of detention basins or sink holes shall not be credited as open space area. The required open space areas should be properly designed to provide a functional purpose within the development or to other public open spaces outside of the development. The developer shall adequately demonstrate how the development and/or open space areas will protect ecologically sensitive areas, preserve natural or cultural features of the site, and preserve viewsheds or scenic vistas.

4. Developers of a new development that is located equal to or less than 2640 feet (half mile) from an existing and accepted public open space may request to the Planning Commission to be exempt from the above requirements, provided they submit the following minimum justification:

   a. Verification that the subject property is equal to or less than 2640 feet from an existing public open space – measured from the parent tract boundaries and along the existing public rights-of-way or other acceptable access ways to the existing open space;

   b. How they have attempted to provided connections to nearby parks, greenways, public buildings, schools, or the like;

c. Adequately demonstrate how the development will protect ecologically sensitive areas, preserve natural or cultural features of the site, and preserve viewsheds or scenic vistas.

Commentary

The National Park and Recreation Association and Urban Land Institute publish standards for the amount of land for parks and open space that communities should strive to provide. Generally, this standard is 10 acres per 1,000 of population. This standard would yield a factor of 1,089 square feet of park and open space area per dwelling unit based on an average household size of 2.5 persons. Another way of describing this standard, when applied to a suburban subdivision, is that about 8% of the gross developable acreage of a subdivision should be set aside for park and open space purposes. (The 8% assumes that approximately 20% of every subdivision is occupied by roads, storm water facilities or other areas that are not developable for homes). Within the urban and suburban area defined herein, there is an existing system of parks and open space available to serve new development. Therefore, the 8% factor has been reduced to 5% to reflect the availability of some existing park and open space resources. The existing inventory of public green space/open space within Frankfort/Franklin County is as follows:

Urban area = 2,162.28 ac. x 8% = 172.98 acres
Suburban area = 13,371.69 ac. x 8% = 1,069.74 acres
Total open space per subdivision regulations = 1242.72 acres
Total existing open space (only governmentally owned) = 1,296.86 acres
Total existing open space (including private golf courses) = 1,792.09 acres

2.07.02 Streetscape Requirements

STREET trees shall be planted along a **STREET TREE ALIGNMENT LINE** at an average spacing not greater than thirty (30) feet on center. **STREET** trees shall be at least 2.0 inch **CALIPER** and should be six (6) feet in overall height at time of installation. The following list contains all species approved for use as **STREET** trees**.** It contains native species, or adapted non-native trees or species. When the primary access to **LOTS** and **BUILDING SITES** is from the frontage **STREET** (as opposed to from a rear alley), the average spacing standard may be modified by the applicable **PLANNING DIRECTOR** to accommodate driveways.

Canopy and Understory Trees

Latin Name	Common Name
Acer rubrum	Red Maple *
Acer buergerianum	Trident Maple
Acer griseum	Hedge Maple
Acer tartaricum	Tartarian Maple
Acer saccharum	Sugar Maple *
Acer truncatum	Shantung Maple
Aesculus pavia	Red Buckeye
Amelanchier arborea	Downey Serviceberry

- Amelanchier canadensis — Shadblow Serviceberry
- Amelanchier laevis — Allegheny Serviceberry
- Betula Nigra — River Birch
- Carpinus caroliniana — American Hornbeam
- Catalpa speciosa — Northern Catalpa *
- Celtis laevigata — Sugar Hackberry *
- Celtis occidentalis — Hackberry *
- Cercis Canadensis — Redbud
- Cercidiphyllum japonicum — Katsura Tree
- Chionanthus virginicus — Fringetree
- Cornus florida — Flowering Dogwood
- Cornus kousa — Kousa Dogwood
- Cornus mas — Corneliancherry Dogwood
- Cotinus obovatus — American Smoketree
- Cotinus coggygria — Smokebush
- Cladrastis kentuckea — Yellowwood
- Crataegis crusgalli inermis — Thornless Cockspur
- Crataegis phaenopyrum — Washington Hawthorn (these contain thorns)
- Crategis punctata var. inermis — Thornless Hawthorne 'Ohio Pioneer'
- Crategis viridis — Green Hawthorne (these contain thorns)
- Fraxinus americana — White Ash *
- Fraxinus pennsylvanica — Green Ash *
- Fraxinus pennsylvaiica ' Johnson' — Leprechaun Ash
- Fraxinus quadrangulata — Blue Ash *
- Ginkgo biloba — Ginkgo (male only) *
- Gleditsia triacanthos inermis — Thornless Honeylocust
- Gymnocladus dioicus — Kentucky Coffeetree (male only) *
- Koelreutaria paniculata — Golden Raintree
- Liquidambar styracifolia — Sweetgum *
- Liriodendron tulipifera — Tulip Poplar *
- Maackia amurensis — Amur maackia
- Magnolia virginiana — Sweetbay Magnolia
- Malus spp — Crabapples
- Nyssa sylvatica — Tupelo Black Gum
- Ostrya virginiana — Hophornbeam
- Parrotia persica — Persian Parrotia
- Platanus x acerifolia — London Planetree *
- Platanus occidentalis — Sycamore *
- Prunus spp. — Plums, Cherries
- Quercus acutissima — Sawtooth Oak *
- Quercus alba — White Oak *
- Quercua bicolor — Swamp White Oak *
- Quercus borealis — Northern Red Oak *
- Quercus coccinea — Scarlet Oak *
- Quercus imbricaria — Shingle Oak *
- Quercus macrocarpa — Bur Oak *
- Quercus muchlenbergii — Chinkapin Oak *

- Quercus nigra — Water Oak *
- Quercus phellos — Willow Oak *
- Quercus robur — English Oak *
- Quercus rubra — Red Oak *
- Quercus shumardii — Shumard Oak *
- Sophora japonica — Japanese Pagoda
- Syringa pekinensis — Pekin Lilac
- Syringa reticulate — Japanese Tree Lilac
- Taxodium distichum — Bald Cypress *
- Tilia tomentosa — Silver Linden
- Ulmus parvifolia — Chinese Elm*
- Ulmus americana — American Elm *
- Viburnum prunifolium — Blackhaw Viburnum
- Viburnum rufidulum — Southern Blackhaw Virburnum
- Zelkova serrata — Japanese Zelkoba *

NOTE: (1) The species listed above that contain an asterisk (*) require a tree lawn of six (6) feet or more. (2) The list of species above may not be suitable for all sites, soils, or other conditions that may exist on a development streetscape. Consulting with an arborist is recommended prior to final approval. (3) Other species may be deemed acceptable by the City Arborist.

2.07.03 Lighting Required

A. **STREET** lighting shall be required for all **THOROUGHFARE** and **STREET** classifications in the Urban Area.

B. Lighting fixtures shall be placed within the **STREET RIGHT-OF-WAY**, alternating along both sides of the street with a minimum spacing as determined by appropriate design standards of the utility provider. Lighting fixtures should be placed at the intersection of major streets serving the subdivision or site.

C. Lighting fixtures shall have a maximum height of eighteen (18) feet above the **GRADE** of the **SIDEWALK**, and a minimum clearance above the **GRADE** of the **STREET** of not less than fifteen feet. All fixtures shall be of an appropriate design to shed light downward and away from residential structures to the rear of the fixture. The height of street lights to be place din State or Federal rights-of-way may vary from the standards in order to maintain conformance with State or Federal lighting standards.

2.08.00 COMMUNITY FACILITIES

2.08.01 Reservation of Lands for Community Facilities

The **PLANNING COMMISSION** may require the reservation of lands for community facilities as a condition of preliminary plat or **DEVELOPMENT PLAN** approval. Community facilities for which a reservation of land may be required include community parks, schools, and other public uses. Reservations are subject to the following criteria:

A. The maximum period of time that land shall be reserved, unless voluntarily extended by the property owner, will be two years. This period shall begin with the date that the **RECORD PLAT** containing the reservation is officially recorded by the Clerk of Franklin County.

B. The reservation will be deemed to be extended beyond the two (2)year period if a public agency or organization, such as a Board of Education, has made a bona fide offer for the purchase of the reserved land. The extension will be null and void if the property owner formally rejects the offer.

C. The property owner may elect to voluntarily reserve the lands beyond the two (2) year period, but such reservation shall be made in writing to the **PLANNING COMMISSION**.

Commentary Pertaining to Section 2.08.01

The Kentucky Revised Statutes, Chapter 100.281 (5) provides that subdivision regulations may include "specifications for the extent to which land is to be used for public purposes shall be reserved as a condition precedent to approval by the commission of any subdivision plat." The maximum time period for such reservation is two (2) years.

Part

3

Suburban Area Subdivision and Development Design Requirements

3.01.00 GENERALLY

3.01.01 Intent

The requirements of Part 3 are provided to ensure that the **SUBDIVISIONS** and **DEVELOPMENT PLANS** within the Suburban Area are consistent with the predominant characteristics of suburban types of development. It is the intent of the **PLANNING COMMISSION** that land proposed to be subdivided shall be suitable for development, including consideration of flood hazards; geologic hazards; availability of adequate water supply, sewage disposal, storm water facilities, transportation facilities, and schools; or consideration of other such conditions as may endanger the health, life, or property of the citizens of Frankfort and Franklin County.

Commentary Pertaining to 3.01.00
A **BUILDING SITE** is any group of one (1) or more **LOT(S)** or parcel(s) occupied or intended for **DEVELOPMENT** as a unit, whether or not as part of a larger **DEVELOPMENT SITE. BUILDING SITE** area does not include surface water bodies or floodways, but does include wetlands. (From Part 10 – Definitions)

3.01.02 Applicability

SUBDIVISIONS and **DEVELOPMENT PLANS** within the boundaries of the Suburban Area, as depicted on the Map of Urban, Suburban, and Rural Areas (Figure 1.1 located in Part 1), shall comply with the requirements of this Part. (See Section 1.07.00 for the rule applicable to properties located in more than one type of area.)

3.02.00 STANDARDS FOR LOT LAYOUT AND SITE DESIGN

3.02.01 Compliance with Zoning District Requirements

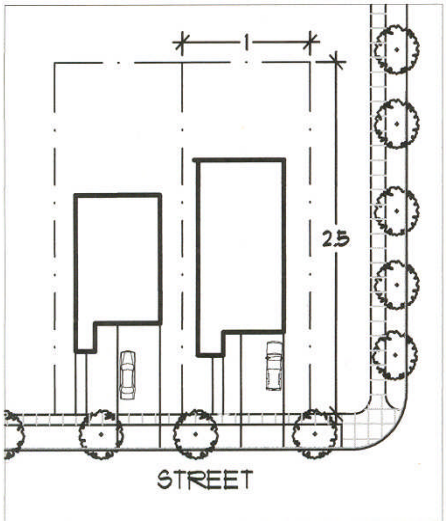
The **SUBDIVISIONS** and **DEVELOPMENT PLANS** within the Suburban Area shall comply with the requirements of the zoning district in which the **SUBDIVISION** or site is proposed. Zoning district regulations govern **BUILDING PLACEMENT**, density, and intensity of use.

3.02.02 Lot and Block Design Requirements

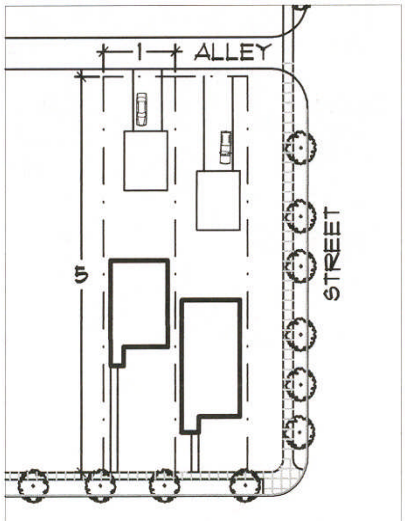
A. **LOT AREA** and dimensions shall conform to the applicable zoning district standards, except as provided below. **LOT AREA** shall be consistent with the average **LOT AREA** within the **NEIGHBORHOOD**, but not less than the minimum standards established for the applicable zoning district(s). Consistency means that the proposed **LOTS** are within ten (10) percent of the average **LOT AREA** of all **LOTS** within the **NEIGHBORHOOD.**

B. **LOT DEPTH** to width ratio standards will be based on the type of access. Where access to a **LOT** is from a frontage **STREET**, the lot depth to width ratio should not exceed 2.5 to 1. Where access is located at the rear of a **LOT,** either by **ALLEY**, **STREET** or **EASEMENT**, the lot depth to width ratio should not exceed 5 to 1 or a maximum depth of two hundred (200) feet.

Figure 3.1 Lot Depth to Width Standards



Front Access Lot – 2.5 : 1 Ratio



Rear Access Lot – 5 : 1 Ratio

Commentary Pertaining to 3.02.02(B)

The intent of Section 3.02.02 (B) is to ensure that new subdivisions and Building Sites in the Suburban area are of similar configuration and that lot or building site area is as similar as possible to the existing development pattern.

Average lot area is determined by summing the total lot area of all lots within the "neighborhood." Neighborhood can be defined by one of three methods depending on the context. The first method is generally applicable for residential neighborhoods with a predominant housing type. In this context the average lot area is determined by summing the area of all lots and/or Building Sites within the same block and all abutting blocks, then dividing by the total number of lots and/or Building Sites within the same area.

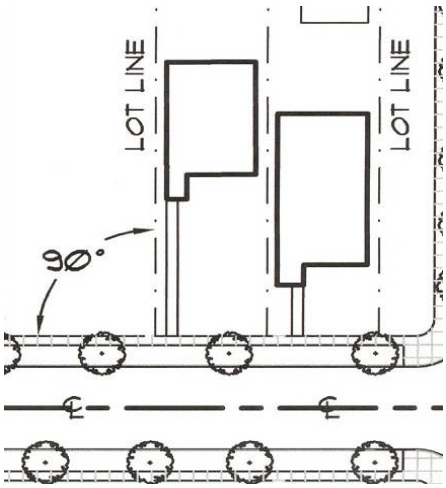
The second method is for neighborhoods with multiple housing types. In this context the average lot area is determined by summing the width of all lots and Building Sites within the same block face along both sides of the street, then dividing by the total number of lots and Building Sites within that same area.

The third method is intended to address a mixed use or non-residential context. Average Building site Area can be determined by summing the area of all Building Sites fronting the same street within two blocks of the proposed subdivision or site development, and dividing by the total number of Building Sites in that same area.

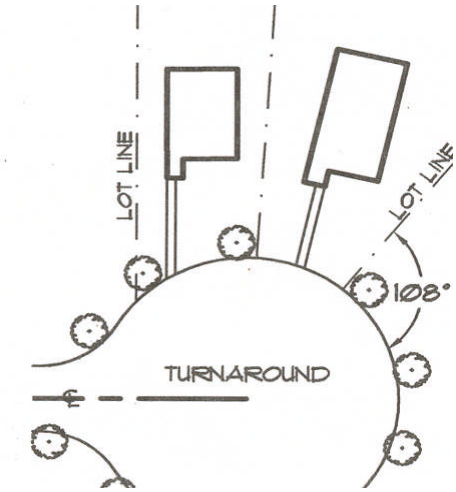
C. **LOTS** shall be configured so that side **LOT** lines are at right angles to the **LOT FRONTAGE** or **STREET FRONTAGE** wherever practical. Lots fronting on the turnaround portion of a cul-de-sac street represent one situation where it may not be practical for side lot lines to form a right angle with the lot or street frontage.

Figure 3.2 Illustration of Lot Line Standards

Lot Line at Right Angle
To Street



Lot Line Not at Right Angle
To Street



D. **SUBDIVISIONS** should not be configured with **DOUBLE FRONTAGE** or **REVERSE FRONTAGE LOTS**, unless the configuration is needed to provide for the separation of residential **DEVELOPMENT** from major transportation **THOROUGHFARES; LOTS** developed or zoned for commercial use; **LOTS** developed or zoned for industrial use; or lots developed or zoned Planned Unit Developments (PUD).

E. **CORNER LOTS** shall have sufficient frontage on the two **ABUTTING STREETS** to ensure that all **BUILDING PLACEMENT** standards are met.

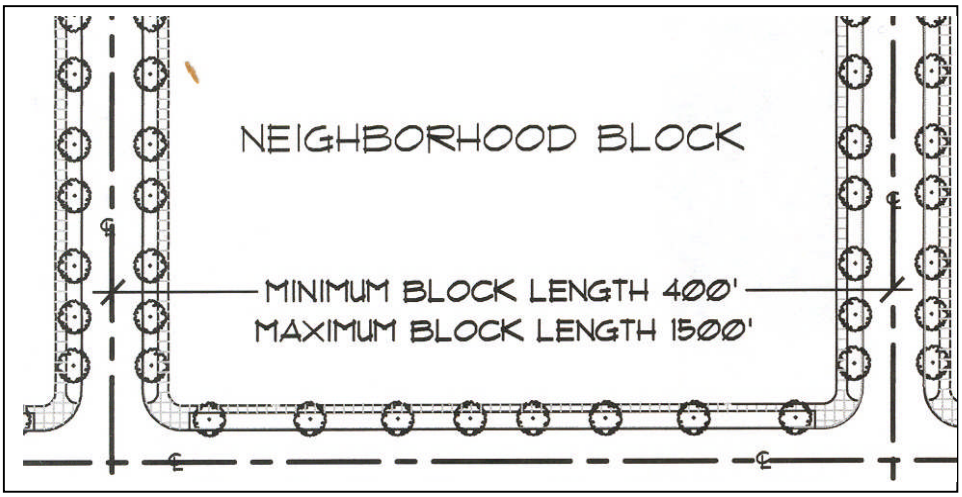
F. The length of **BLOCKS** along the primary street frontage should be consistent with the average **BLOCK** length of the **NEIGHBORHOOD**, but shall not be less than 400 feet or more than 1500 feet. **BLOCK** length shall be measured from the centerline of intersecting **STREETS** that establish the **BLOCK**. The determination of the primary street frontage shall be based on the highest functional classification. Where all streets that form the BLOCK are of the same functional classification, the primary street frontage shall be determined from the longest STREET.

G. **BLOCKS** should be configured to accommodate two (2) rows of **LOTS.** An exception may be granted where **DOUBLE FRONTAGE LOTS** or **REVERSE FRONTAGE LOTS** are allowed, pursuant to 3.02.02 (E).

H. All **LOTS** shall abut a **THOROUGHFARE** or **NEIGHBORHOOD STREET** for a minimum of twenty feet.

I. **FLAG LOTS** shall not be permitted in the Suburban Area.

Figure 3.3 Block Design Standards



3.03.00 TRANSPORTATION SYSTEM REQUIREMENTS

3.03.01 Street System Classification

A. The proposed **STREET** system of the **SUBDIVISION** or site shall conform to the system of **THOROUGHFARES** and **NEIGHBORHOOD STREETS** established in the Suburban Area. Extensions and connections of new **THOROUGHFARES** and **STREETS** to existing **THOROUGHFARES** and **STREETS** shall be required to continue the transportation system and pattern of the Suburban Area. The proposed transportation system shall provide for adequate and safe on and off-street parking, and adequate and safe loading and unloading of goods and equipment.

B. The proposed street system of the **SUBDIVISION** or site shall conform to the **MAJOR STREET PLAN. (**See Transportation Plan contained in the Frankfort and Franklin County Comprehensive Plan.)

3.03.02 Design Standards - Thoroughfares and Neighborhood Streets

A. The minimum **RIGHT-OF-WAY** width, as measured from **LOT** line to **LOT** line, shall be as provided in the **MAJOR STREET PLAN**, but shall not be less than the standards shown below in Table 3.1.

Table 3.1 Minimum Right-of-Way Requirements – Suburban Area

Urban Area Street Type Classification	Minimum ROW (feet) No On-Street Parking CG Section(1)		Minimum ROW (feet) With On-Street Parking One or Both Sides CG Section (1)	
Thoroughfares	**3 lanes**	**5 lanes**	**3 lanes**	**5 lanes**
Arterial	80	104	96	NA
Collector	70/80(3)	94/104(3)	86/96 (3)	110/120 (3)
Marginal/Frontage	50	NA	NA	NA
Neighborhood Streets	**2 lanes**	**3 lanes**	**2 lanes**	**3 lanes**
Major	60	71	76/86(3)	87/97
Minor	40	NA	50 (5)	NA
Alley/Common Drive (2)	30 (4)	NA	NA	NA

(1) CG section includes the curb and gutter along both sides of the **STREET** as well as raised medians.

(2) Curbs and gutters are required for the Alley/Common Drive unless waived by the applicable **ENGINEERING OFFICIAL**.

(3) The additional 10 feet of **RIGHT-OF-WAY** may be required for the purpose of increasing the width of sidewalks when the **THOROUGHFARE** or **NEIGHBORHOOD STREET** provides access to commercial properties or pedestrian traffic is significant.

(4) The minimum **RIGHT-OF-WAY** may be increased to provide for drainage facilities and a portion of the required **RIGHT-OF-WAY** may be provided in an utility easement.

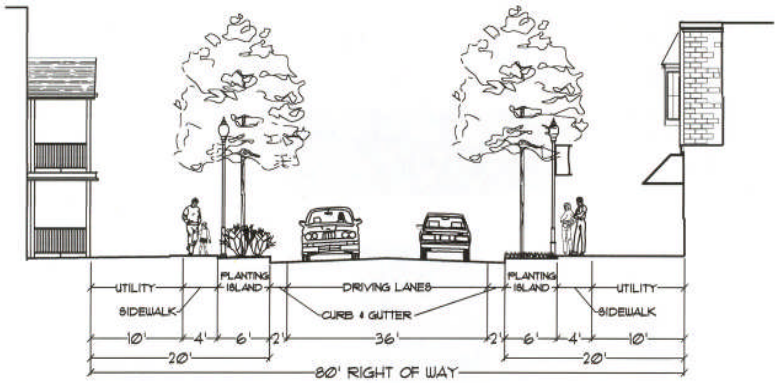
(5) On-street parking is only permitted along one side of the street opposite to side containing fire hydrants and potable water lines. Where on-street parking is provided the curb shall be painted and a sign placed to denote where on-street parking is prohibited.

*Note: The references to 3 and 5 lanes for **STREET** types are based on two or four travel lanes and one left turn lane.*

*Note: The **RIGHT-OF-WAY** standards assume that left turn lanes are painted to separate movements. If a raised median is planned, the right-of-way requirements will be increased to accommodate the additional curb and gutter.*

B. Typical Cross-Sections and Requirements for Thoroughfares and Neighborhood Streets – The following Figures contain all **RIGHT-OF-WAY** and design requirements that shall be applicable for these classifications.

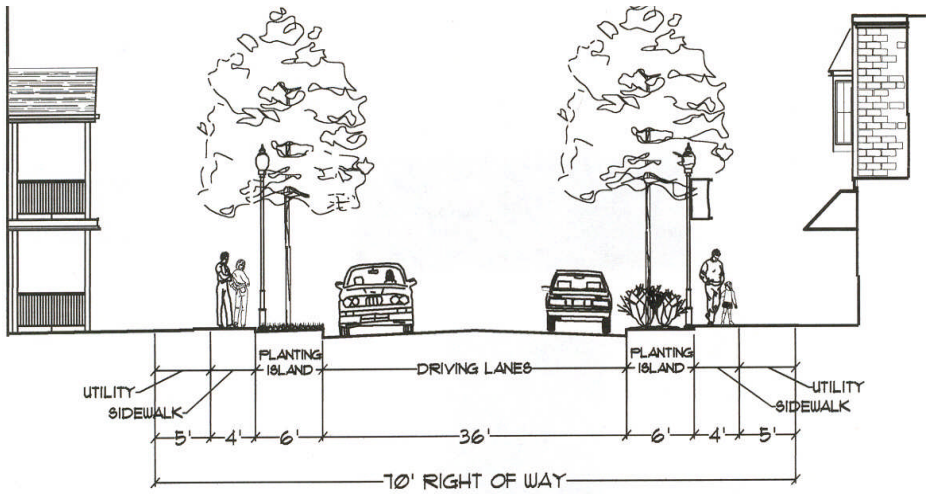
Figure 3.4 Thoroughfare Design Standards



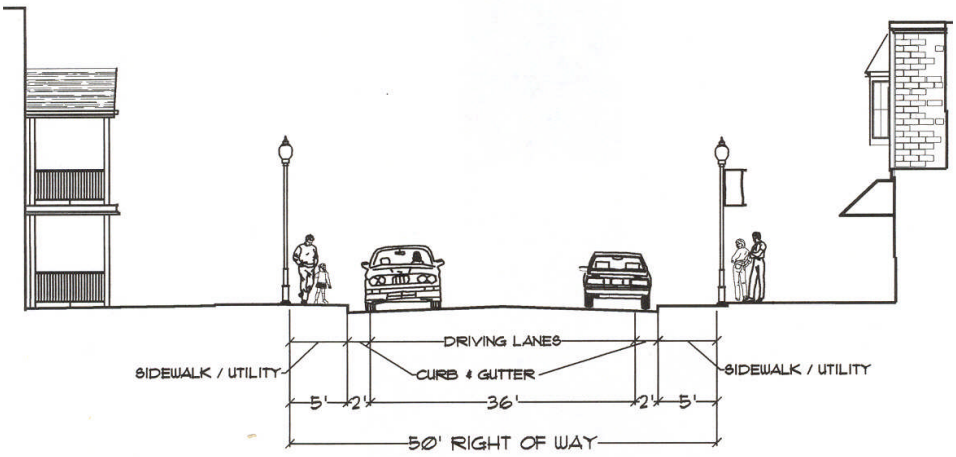
Arterial Thoroughfare Cross-Section

If on-street parking is included, an additional 8 feet per side is recommended for parking lanes

Figure 3.4 Thoroughfare Design Standards - continued



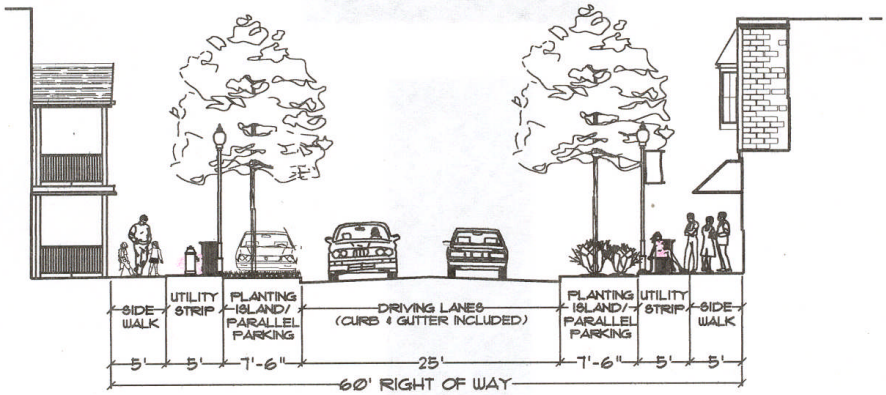
Collector Thoroughfare Cross-Section
If on-street parking is included, an additional 8 feet per side is recommended for parking lane



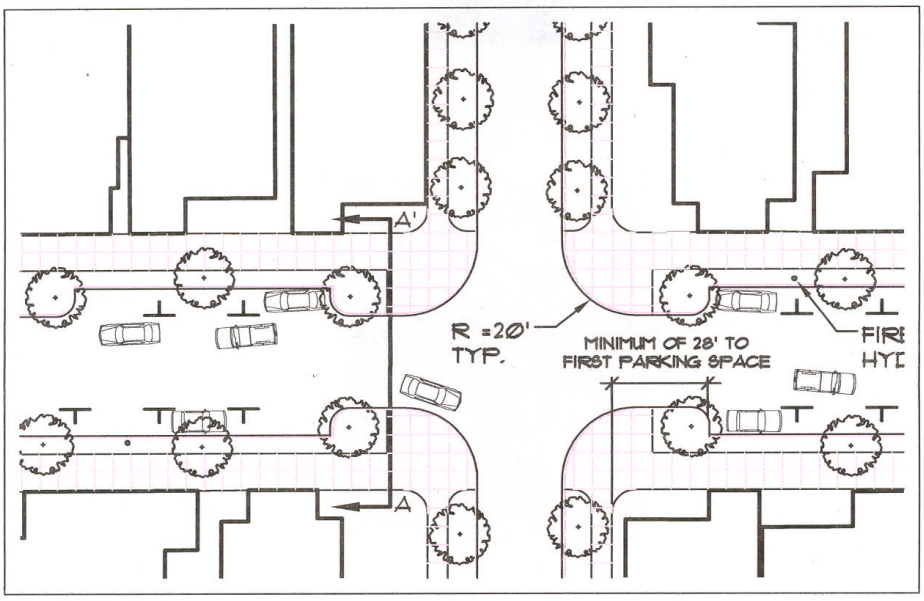
Marginal/Frontage Thoroughfare Cross-Section

Figure 3.5 Major Neighborhood Street Design Standards

Major Neighborhood Streets should be utilized within SUBDIVISIONS and sites when serving a mixture of residential and non-residential LAND USES, or high density or intensity development. This classification of Local Street is also appropriate when the road will serve as an internal collector, providing access from Minor Neighborhood Streets to Major Thoroughfares.



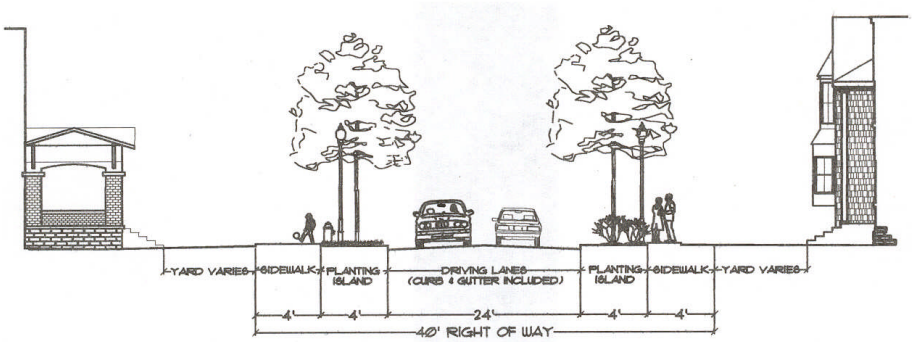
MAJOR STREET ELEVATION A-A'



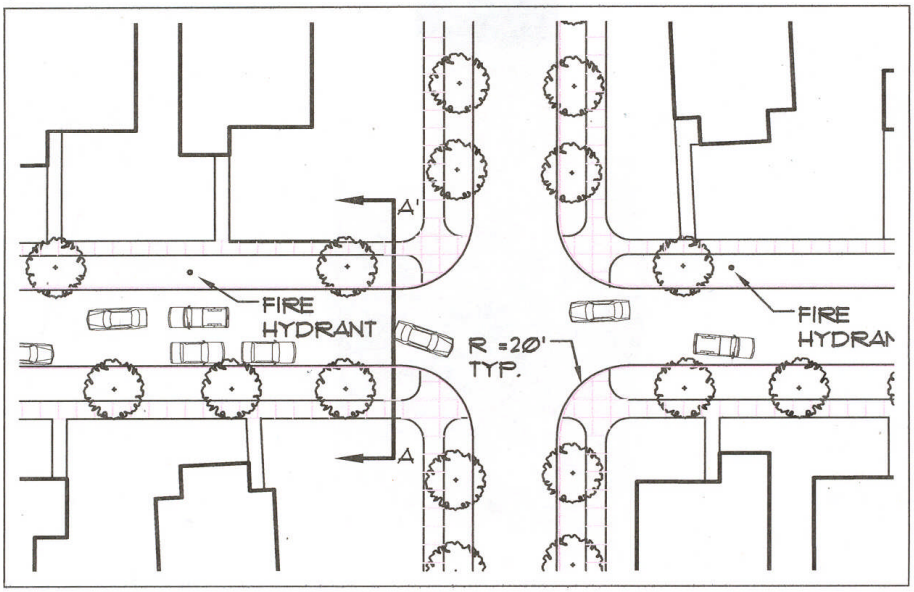
MAJOR STREET PLAN
(Major Street Plan – Internal Layout - not an entrance detail.)

Figure 3.6 Minor Neighborhood Street Design Standards

Minor Neighborhood Streets should be utilized within SUBDIVISIONS and sites to provide access to individual LOTS and BUILDING SITES. When Minor Neighborhood Streets are utilized in conjunction with ALLEYS, on-street parking along one side of the STREET should be provided. When ALLEYS are not present, on-STREET parking should not be provided.



NEIGHBORHOOD MINOR STREET ELEVATION A-A'

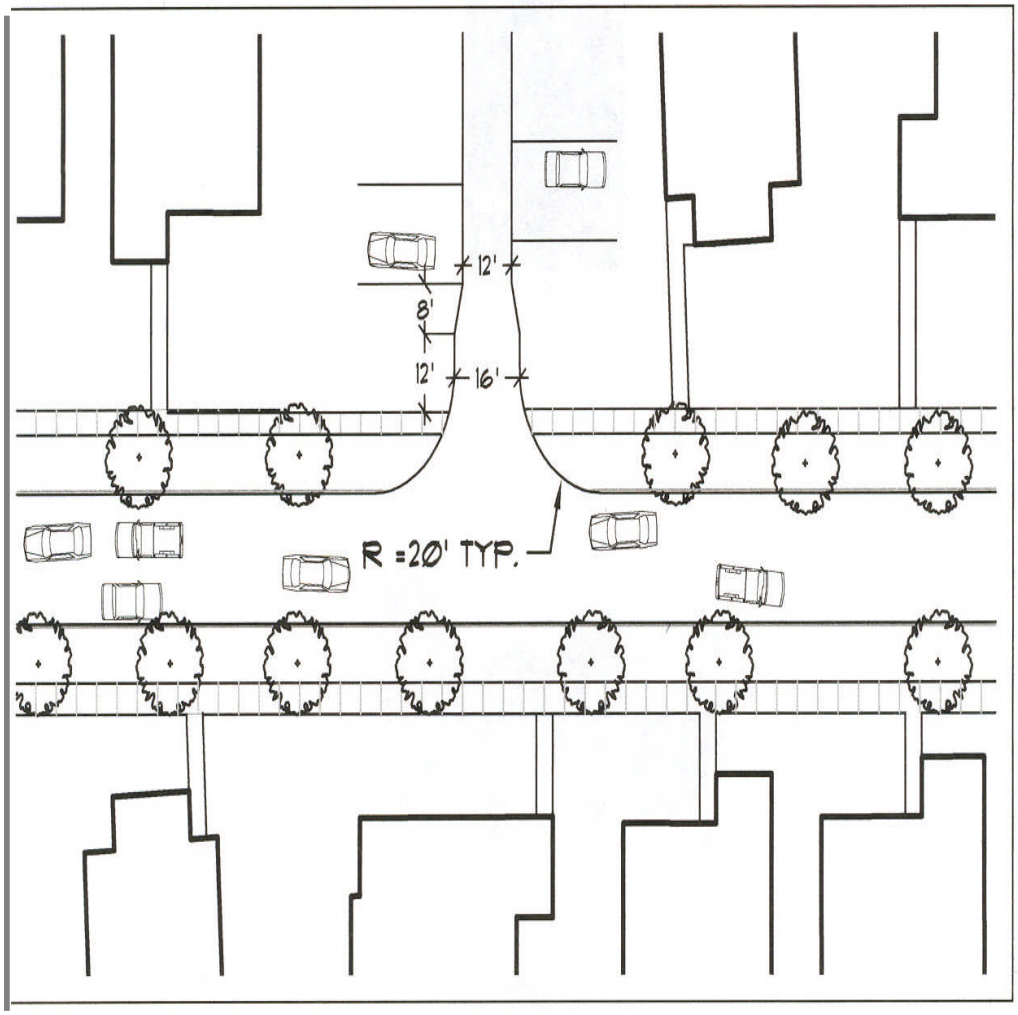


NEIGHBORHOOD MINOR STREET PLAN

50' RIGHT-OF-WAY, 0N-STREET PARKING ONLY PERMITTED ALONG ONE SIDE OF THE STREET. 20' CURB RADIUS AT TRAVEL LANE. SIDEWALKS 4' WIDTH MINIMUM

(Minor Street Plan – Internal Layout - not an entrance detail.)

Figure 3.7 Neighborhood Alley/Common Drive Design Standards



C. **SUBDIVISIONS** that are platted or sites proposed for **DEVELOPMENT** along existing **THOROUGHFARES** and **STREETS** that do not meet the standards of 3.03.02(A) shall provide additional **RIGHT-OF-WAY** sufficient to meet the minimum standards.

1. Where the **SUBDIVISION** or SITE is located on one side of the existing **STREET** that does not meet the minimum **RIGHT-OF-WAY** standards, one-half (1/2) of the needed **RIGHT-OF-WAY** shall be provided. The required **RIGHT-OF-WAY** shall be based on a measurement from the centerline of the existing **STREET**.

2. Where the **SUBDIVISION** or site is located along both sides of an existing **STREET** that does not meet the minimum **RIGHT-OF-WAY** standard, all additional **RIGHT-OF-WAY** shall be provided.

3. The minimum pavement width for **THOROUGHFARES** and **STREETS** shall be as indicated in the cross sections for **THOROUGHFARES** and **STREETS.**

D. The centerline of all **THOROUGHFARES** and **STREETS** shall intersect as nearly at a ninety (90) degree angle as possible for a tangent distance of at least one hundred (100) feet, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred and five (105) degrees.

E. Where T–type intersections are permitted, the following minimum offsets set forth in Table 3.2 shall be required.

Table 3.2 Minimum Offset Requirements for T-type Intersections

Intersection Type	Minimum Offset Between Centerlines (in feet)
Arterial with Arterial	600
Arterial with Collector or Frontage	600
Arterial with Major Neighborhood St.	600
Arterial with Minor Neighborhood St.	600
Collector with Collector	400
Collector with Frontage	400
Collector with Major Neighborhood St.	400
Collector with Minor Neighborhood St.	400
Major Neighborhood St. with Minor or Alley/Common Dr.	150

F. Intersections shall not be designed with more than four (4) approaches. This design requirement shall not be construed to prohibit merging lanes, deceleration lanes, or traffic circles.

G. The highest classification of **THOROUGHFARE** or **NEIGHBORHOOD STREET** shall be considered the through **STREET** when intersecting with any other classification of **THOROUGHFARE** or **NEIGHBORHOOD STREET**.

H. The minimum and maximum **GRADES** for all classified **STREETS** is shown in the following table:

Table 3.3 Minimum and Maximum Grades

Thoroughfare or Neighborhood Street Type	Grades	
	Minimum	Maximum
Arterial	0.5%	5%
Collector/Frontage	0.5%	8%
Major/Minor/Alley	0.5%	8-12% (1)

(1) The **GRADE** may not exceed 8% unless specifically authorized by the applicable **ENGINEERING OFFICIAL** and provided that additional landing area is provided where the **STREET** intersects with another **STREET**.

I. Where the **GRADE** of any **THOROUGHFARE** or **NEIGHBORHOOD STREET** at the approach to an intersection exceeds three (3) percent, a leveling area shall be provided, having a **GRADE** not greater than three (3) percent for a distance of fifty (50) feet back from the edge of the **RIGHT-OF-WAY** of the intersecting **STREET**.

J. A change in **GRADE** shall be connected by a vertical curve that provides a minimum sight distance equal to: the distance an automobile will travel in six (6) seconds at the design speed of the road; or 220 feet at 25 MPH, 310 feet at 35 MPH, 400 feet at 45 MPH, 500 feet at 55 MPH. This standard may be reduced at the discretion of the applicable **ENGINEERING OFFICIAL** in order to preserve scenic, cultural or historic resources.

K. The minimum horizontal curve radius for **THOROUGHFARES** shall be 600 feet and 100 feet for **NEIGHBORHOOD STREETS** unless an alternative is approved by the applicable **ENGINEERING OFFICIAL.**

L. The minimum radius for **THOROUGHFARE** curb intersections shall be thirty-five (35) feet. The minimum radius for **NEIGHBORHOOD STREET** curb intersections shall be twenty (20) feet. All measurements shall be from the pavement edge.

M. Dead-end **NEIGHBORHOOD STREETS** shall not be included in **SUBDIVISIONS** proposed in the Suburban Area, unless topography or the existing **STREET** pattern requires a dead-end street. When a dead-end street is proposed, the **STREET** shall meet the following standards:

1. The **STREET** shall be designed as a permanent dead-end street
2. The dead-end **STREET** shall not be longer than 500 feet.
3. The **STREET** shall be designed with a closed end with a turn-around at a minimum centerline radius of fifty (50) feet.

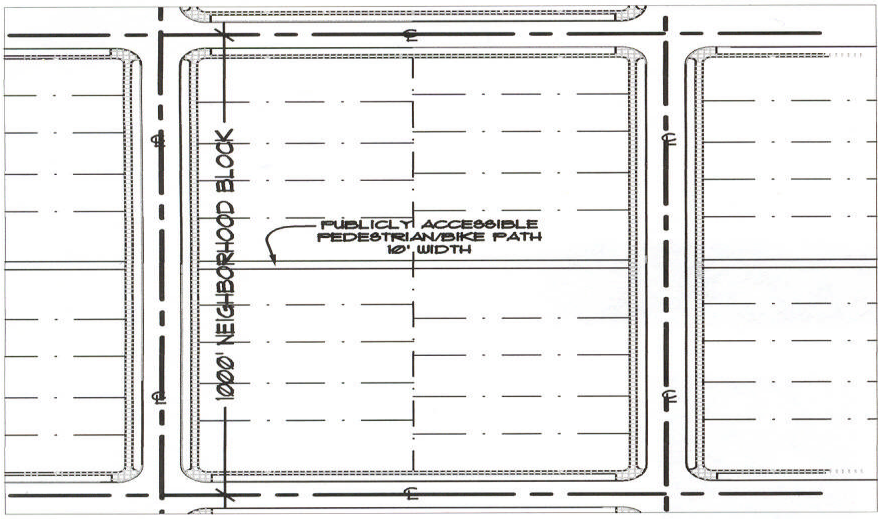
N. .**THOROUGHFARE** and **NEIGHBORHOOD STREET** names shall meet the following standards as well as those in Part 9 Street Naming, Closing and Site Addressing Procedures

1. **THOROUGHFARE** and **NEIGHBORHOOD STREET** extensions shall bear the same name as the existing **STREET.**
2. **THOROUGHFARE** and **NEIGHBORHOOD STREETS** that align with existing **STREETS** shall bear the same name as the existing **STREET**.

O. There shall be no private **THOROUGHFARES** or **NEIGHBORHOOD STREETS** in Suburban Area **SUBDIVISIONS**, except that dedication to the public of a cross-access **EASEMENT** for **ALLEYS** is acceptable.

P. In **BLOCKS** over one thousand (1,000) feet in length, the **PLANNING COMMISSION** may require one (1) or more publicly accessible pedestrian and/or bike paths ten (10) feet in width to extend approximately from the midpoint of one **BLOCK** face to the midpoint of the opposing blockface.

Figure 3.8 Location of Publicly Accessible Pedestrian/Bike Path



Q. **THOROUGHFARE** and **NEIGHBORHOOD STREET PAVEMENT** design and construction standards are shown in Table 3.4. **PAVEMENT** base shall consist of not less than two courses (five inch maximum per lift) of dense graded aggregate laid and rolled separately to at least ninety (90) percent maximum density, totaling the required number of inches based on **STREET** type for the full width of **PAVEMENT** and including any proposed shoulder/curb. Sub-grade shall have been graded and rolled to ninety (90) percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point as required for the applicable **STREET** type. A surface or wearing course of Asphalt Concrete, Class I, Type "A", or the equivalent shall be applied, with a thickness at the thinnest point of one (1.5) inches.

Table 3.4 Pavement Design and Construction Standards

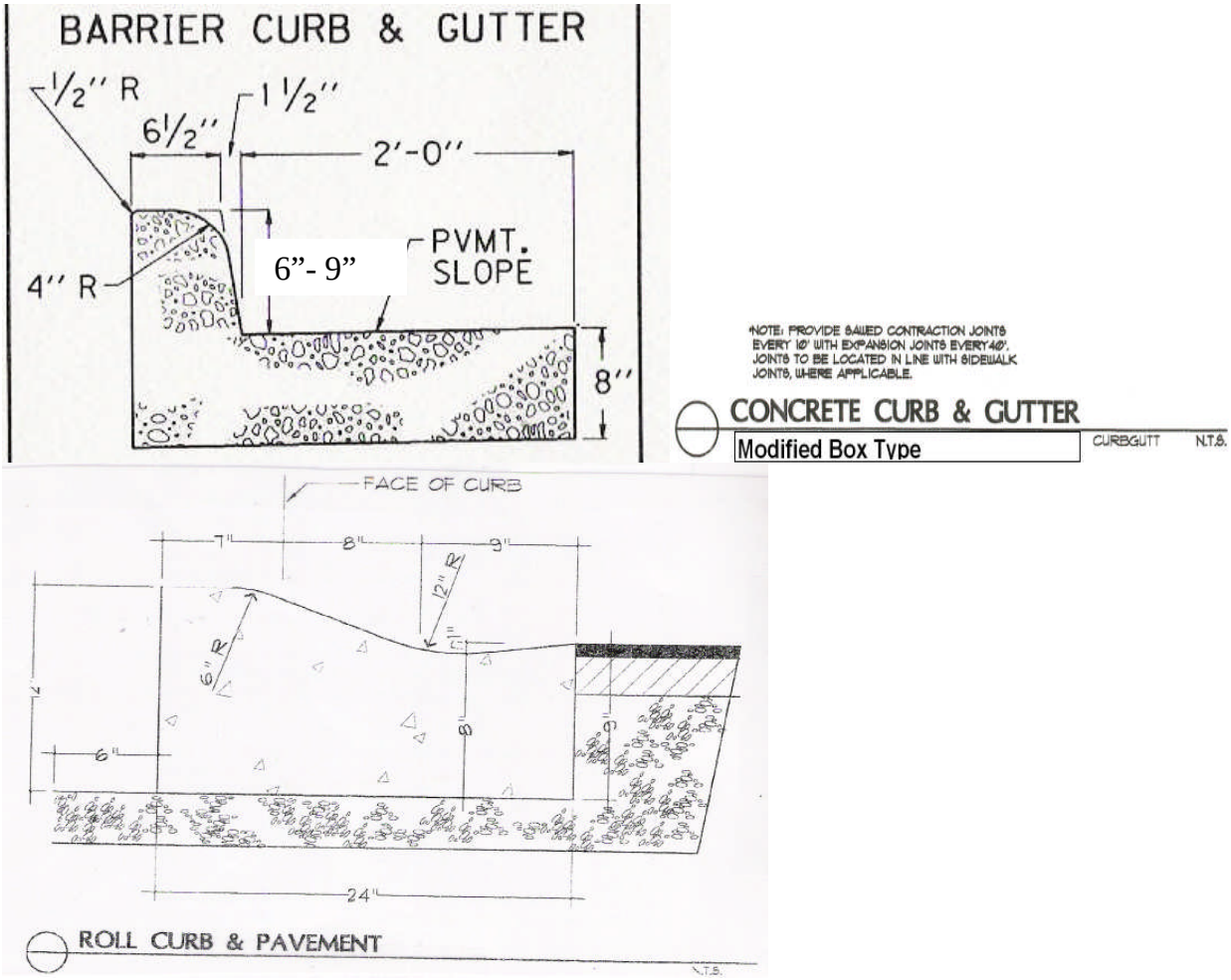
Type	Compacted DGA Base (inches)	Bituminous Asphalt Base (inches)	Finish Grade Bituminous Asphalt (inches)
Arterial	12	4	1.5
Collector	10	4	1.5
Neighborhood Streets	10	3	1.5

R. Straight battered Portland cement box type or Portland cement roll type, concrete curbs and gutters shall be designed in accordance with current Kentucky Bureau of Highways standards or AASHTO. The box type curb and gutter section shall be required on all **THOROUGHFARES** and the roll type CURB and gutter section may be constructed in conjunction with a **NEIGHBORHOOD STREETS** in the Suburban Area. This standard shall not be modified. In addition, the following is required when box or roll type curb and gutter sections are planned and constructed.

1. Cut-outs and repair of straight or roll type curb and gutter sections to accommodate driveways, alleys or other forms of access shall be completed prior to the issuance of a certificate of occupancy for any principal structure on the building site served by the driveway, alley or other form of access. *(8-27-07)*

2. Developers may install all driveway aprons at time of installation of the curbs to avoid the costs associated with removing such curbs at time of installing a driveway connection onto the new road system.

Figure 3.9 Illustration of Box Type Concrete Curb and Gutter Alternatives



3.03.02.S. ALTERNATIVE TO DESIGN STANDARDS. *(amended 12-17-07)*

Any applicant with a project that requires the installation of public infrastructure may submit a written request to the appropriate Engineering Official that their proposed development utilize design practices that are consistent with A Policy on Geometric Design of Highways and Streets (current edition) published by the American Association of State Highway and Transportation Officials (AASHTO). Such request shall specify the section(s) to which the AASHTO guidelines are to be applied. Approval by the appropriate Engineering Official of a portion or all of the request may be authorized without the need of Planning Commission review.

When the Engineering Official has determined that the request is consistent with the AASHTO standards, such designs may be authorized without the need of Planning Commission review.

3.03.03 Design Standards for Street Drainage

All **STREETS** shall be designed in accordance with the applicable storm water management and design guidelines for the City of Frankfort or Franklin County.

3.03.04 Design Standards for Street Signs

Developers of **SUBDIVISIONS** and sites are responsible for placement of **STREET** signs in accord with the following requirements:

A. The developer shall place at least two **STREET** name signs at each four-way **STREET** intersection and one at each "T" intersection.;

B. **STREET** signs shall be installed within the parkway, free of visual obstruction, and easily legible;

C. All **STREET** signs must be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and shall be metal with reflective lettering; and,

Commentary Pertaining to 3.03.03 (C)
The MUTCD can be viewed or downloaded from the following website. http://mutcd.fhwa.dot.gov/12.28.01.htm

D. The developer, or successor in interest, will be responsible for the maintenance and replacement, when necessary, of any aspect of a required **STREET** sign that exceeds the minimum requirements of the MUTCD and has been approved by the applicable **ENGINEERING OFFICIAL.** This would include decorative features associated with the signage.

3.03.05 Street Connectivity Standards

A. Wherever a proposed **SUBDIVISION** or site abuts unplatted land or a future **DEVELOPMENT** phase of the same development, **STREET** stubs shall be installed to allow access to abutting properties or to logically extend the **STREET** system into the surrounding area.

B. All **STREET** stubs shall be installed with a turn-around having a radius at the outside of the **PAVEMENT** of forty-five (45) feet, and a radius at the outside of the **RIGHT-OF-WAY** of at least fifty (50) feet.

3.03.06 Design Standards for Sidewalks

A. All **SIDEWALKS** shall be constructed of Portland Cement concrete, or other material acceptable to the applicable **ENGINEERING OFFICIAL**, with a minimum three thousand five hundred (3,500) pounds per square inch Class A concrete, and shall have a minimum thickness of four inches and contain fiber reinforced mesh.

B. **SIDEWALKS** shall be constructed on thoroughly compacted sub **GRADE** and shall conform in width to the requirements for specific **THOROUGHFARE** or **NEIGHBORHOOD STREET** classifications.

C. **SIDEWALKS** shall be scored in squares, with the minimum spacing based on one (1) foot per foot of **SIDEWALK** width. Expansion joints shall be placed at thirty-two (32) foot intervals, or where necessary based on the **GRADE**, location of driveways, and other features of the sidewalk corridor. **SIDEWALK** slope toward the curb shall be one-quarter (1/4) of an inch to the foot.

D. **SIDEWALKS** shall be located not less than six (6) inches from the property line in residential areas to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.

E. **SIDEWALKS** shall be designed to connect to and extend existing **SIDEWALKS**.

F. Ramps at intersections shall b e provided to comply with the design requirements of the Americans with Disabilities Act.

G. **SIDEWALKS** should properly connect with pedestrian crosswalks, and part of the responsibility of the developer for the installation of **SIDEWALKS** will include the delineation of pedestrian crosswalks on the surface of the **STREET** consistent with the requirements of the applicable **ENGINEERING OFFICIAL**.

H. **SIDEWALKS** are required along both sides of a **STREET** as depicted in Section 3.03.01.

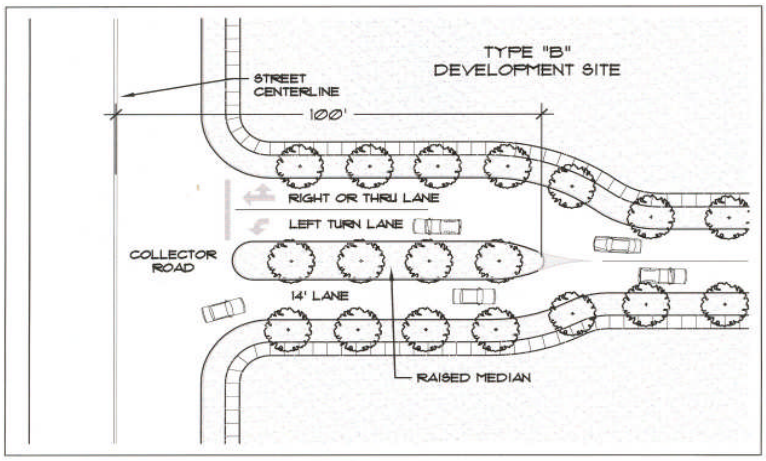
3.03.07 Emergency Vehicle Access *(amended 12-17-07)*

A. **SUBDIVISIONS** or sites shall provide for emergency vehicle access consistent with the type and density or intensity of use.

B. For proposed developments of fifty (50) or fewer residential **LOTS** or 30,000 square feet or less of gross floor area of non-residential use (Type A Development) a single two (2) lane, two-way access from the **SUBDIVISION** or site to the transportation system shall be sufficient for emergency access. A single one-way lane may be permitted as an alternative to the standard above with written approval of the applicable ENGINEERING OFFICIAL.

C. For proposed developments with fifty-one to one hundred (51-100) residential **LOTS** or 30,001-150,000 square feet of gross floor area of non-residential use (Type B Development), a single lane ingress and a two lane egress access divided by a raised median shall be sufficient for emergency access. The length of this divided access, measured from the centerline of the connecting **THOROUGHFARE** or **STREET** shall be determined from Table 3.5 on the following page. **The width of the median is provided in 3.03.09.**

Figure 3.10 Illustration of Driveway Design for Emergency Vehicle Access



D. For proposed **DEVELOPMENTS** with more than one hundred (100) residential **LOTS** or 150,001 or more square feet of gross floor area of non-residential use (Type C Development), a minimum of two (2) separate access **STREETS** or driveways to the abutting transportation system shall be provided. **If a development site fronts on two roadways(OTHER THAN I-64), then a driveway on each shall be required.** The type and design requirements for **both of** these access **STREETS** or **both** driveways should be separated with a raised median as shown in figure 3.10 above unless otherwise determined in writting by the **ENGINEERING OFFICIAL upon recommendation of both the applicable Fire Chief and Planning Director**.

Table 3.5 Length of Access Based on Street Classification

Roadway Type	Type A Development	Type B Development	Type C Development
Arterial	100 ft.	120 ft.	160 ft.
Collector	80 ft.	100 ft.	140 ft.
Neighborhood Streets	60 ft.	100 ft.	120 ft.

3.03.08 Access from Residential Lots to Thoroughfares *amended 12-17-07)*

Access from residential **LOTS** to **THOROUGHFARES** shall be prohibited in the Suburban Area except where the provision of access is determined by the **PLANNING COMMISSION** to be an important element in the preservation of the scenic or historic character of the thoroughfare or street. Where such access is allowed, the spacing of such access locations shall conform to the general pattern of **LOT** access driveways along the roadway.

Commentary Pertaining to Sections 3.03.07 and .08
In addition to the access management standards of these sections, please refer to the access management requirements of the Zoning Regulations.

3.03.09 Access Connection and Driveway Design Standards *amended 12-17-07)*

Driveways from individual **LOTS** or **BUILDING SITES** to **THOROUGHFARES** or **NEIGHBORHOOD STREETS** shall be designed in accordance with the standards below:

A. Driveway width shall be determined by the following requirements:

1. If the driveway is a one-way in or one-way out drive, then the driveway shall be a maximum width of sixteen (16) feet and shall designate the driveway as a one-way connection.
2. For two-way access, each lane shall have a width of twelve (12) feet .Whenever more than two (2) lanes are proposed, entrance and exit lanes shall be divided by a raised median. The median shall be not less than four (4) feet wide or thirteen (13) feet wide if five (5)or more lanes are proposed. An exception to this median design is if the access is on a state right-of-way and the KYTC will not approve this design with the minimum median size. The applicant must provide written documentation to the Planning Director that KYTC will not approve such a design and what alternative design closest to the requirement will be acceptable. to KYTC.

   NOTE: Nothing in this section shall prevent the applicable Engineering Official to allow the median to be tapered or striped for safety purposes.

3. Driveways that enter the major **THOROUGHFARE** or **NEIGHBORHOOD STREET** at traffic signals must have at least two outbound lanes (one for each turning direction) of a least twelve (12) feet in width, and one inbound lane with a fourteen (14) foot width unless otherwise authorized by the applicable Engineering Official..

B. On-street parking shall be prohibited within the entire length of the access driveway as determined from Table 3.5.

C. Driveway **GRADES** shall conform to the requirements of the Kentucky Transportation Cabinet Standard Index, Roadways and Traffic Design Standard Indices, latest edition, but in no case shall a driveway **GRADE** exceed twelve (12) percent.

D. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is not permitted.

3.04.00 PUBLIC FACILITY AND SERVICE REQUIREMENTS

3.04.01 Required Facilities and Services

SUBDIVISIONS AND DEVELOPMENT PLANS proposed within the Suburban Area shall provide for the following facilities and services: potable water, sanitary sewer, flood hazard protection, storm water management, gas, electricity, cable, and telephone.

3.04.02 Water System Design and Fire Protection Standards

All Suburban Area **SUBDIVISIONS** and sites are required to have adequate potable water service from a public utility provider for drinking water and fire protection. All **SUBDIVISIONS** and sites shall comply with the design standards below and, where applicable, those standards adopted by the Frankfort Plant Board. Where standards

contained herein are determined to conflict with the standards adopted by the Frankfort Plant board or other potable water provider, the more stringent standard shall apply. The applicable ENGINEERING OFFICIAL shall consult with the utility service provider and make the final determination that standards are in conflict and which standard is more stringent.

A. Water mains shall be not less than six (6) inches in diameter. Larger mains may be required when warranted by service or topographic conditions. Four (4) inch water mains may be considered by the applicable **ENGINEERING OFFICIAL,** but only for mains which do no serve as a fire hydrant branch. Blow-off's shall be installed as necessary and pursuant to **ENGINEERING OFFICIAL** requirements.

B. Dead end water service to a **SUBDIVISION** or **DEVELOPMENT SITE** should not be permitted. Water service mains should connect to the distribution system at a minimum of two (2) points to avoid interruption of service should one main be out of service. A single point of connection to the public distribution system may be permitted when it is determined that a second connection is not feasible due to the physical limitations of the site.

C. Water mains should be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of this standard, eight (8) inch or larger mains must be used.

D. The distribution system for **SUBDIVISIONS** and sites shall be equipped with a sufficient number of valves located in a manner such that breakage or other interruption will not cause the shut down of any portion of a main greater than eight hundred (800) feet.

E. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the public water service provider.

F. Fire hydrants shall be able to deliver a minimum of five hundred (500) gallons per minute or other rate of water flow as determined by the applicable FIRE DEPARTMENT OFFICIAL, for firefighting purposes. Friction loss between the main and the hydrant should be minimized to ensure that the hydrant can deliver the specified flow of water.

G. Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½) inch outlets and one (1) four and one-half (4 ½) inch main steamer or pumper outlet and an isolation valve must be installed between the street main and the hydrant.

H. Hydrant spacing shall be determined by the fire flow demand standards below or as determined for a specific site by the applicable FIRE DEPARTMENT OFFICIAL:

1. Higher density residential and commercial areas, where the proposed density is greater than three (3) dwelling units per net acre or greater than a 0.15 **FLOOR AREA RATIO**, shall have hydrants located as to keep hose lines at a maximum of five hundred (500) feet. At a minimum, there shall be enough hydrants appropriately spaced within the **SUBDIVISION** or **BUILDING SITE** to make two (2) streams of water available at every part of the interior and exterior of each building not covered by standpipe protection. Private hydrant design and installation (private hydrants are those located on private property and not within a public right-of-way or easement) may also be required to comply with the standard to make available two (2) streams of water at every part of the interior and exterior of each building not covered by standpipe protection.

Commentary Pertaining to Section 3.04.02.H.1:
The property owner will be responsible for the design, installation and maintenance of the water distribution system and fire hydrants to be placed within a site, outside of a public right-of-way or easement.

2. For lower density residential areas, hydrant spacing shall not exceed eight hundred (800) feet between hydrants. In higher density residential and commercial developments, hydrant spacing shall not exceed 500 feet between hydrants, nor shall any portion of a building be further than 500 feet from a hydrant installed to protect it.

3. Fire hydrants shall be located as close to a **STREET** intersection as possible with intermediate hydrants along the **STREET** or on the site of the premises so as to meet area requirements. Hydrants should be located in designated **STREET** tree planting or other portion of the **RIGHT-OF-WAY** designated for utilities.

4. Measurements for distances referenced above shall be made along an all weather road (never measured through or across yards, fields, woods, creeks, or other avenues not accessible to fire apparatus) for laying hose lines.

I. All fire hydrants shall be placed a minimum of fifty (50) feet from the exterior wall of any building to be protected. When such placement is impossible, hydrants shall be placed where the chance of injury by falling walls is minimized and where firefighters are not likely to be driven away by smoke or heat. The height of proposed buildings shall be considered for minimum distance when the fifty (50) foot distance is not possible.

3.04.03 Sanitary Sewer System Design Standards

All Suburban Area **SUBDIVISIONS** and sites are required to have adequate sanitary sewer service from either a public utility provider or by an on-site system approved by the Franklin County Health Department. All **SUBDIVISIONS** and sites shall comply with the design standards adopted by the public utility provider or administered by the Franklin County Health Department. In addition, the following standards are applicable:

A. The maximum length of sanitary sewer pipe between manholes is 350 feet;

B. Residential **LOTS** served by an on-site sanitary sewer system shall be a minimum of two-hundred (200) feet wide as measured at the building line, and one-half (1/2) acre in area. A greater area than specified may be required for residential **LOTS** if, in the opinion of the County Health Officer, there are factors of drainage or soil condition to cause potential health hazards.

3.04.04 Flood Hazard Protection Standards

Any land lying below the intermediate regional flood elevation as designated by the U.S. Army Corps of Engineers or five hundred seven (507) feet above mean sea level (MSL) as determined from the published data and maps of the U. S. Geological Survey (USGS) shall be considered as subject to repeated flooding unless the land is rendered flood free by a flood protection facility. Land that is subject to repeated flooding or is deemed to be topographically unsuitable for any residential use shall not be approved for **SUBDIVISION** or site **DEVELOPMENT**, nor for any other use that may create danger to the public health, life, or property or aggravate erosion or flood hazards. All **SUBDIVISIONS** and sites shall be designed to conform to the requirements of any applicable Floodplain Zone (See Article 8 of the Frankfort and Franklin County Zoning Regulations).

3.04.05 Storm Water Management Design Standards

All Suburban Area **SUBDIVISIONS** and sites are required to have adequate storm water management facilities to limit the post development peak runoff from a **SUBDIVISION** or site to the predeveloped value for the ten (10) year, one (1) hour and one-hundred (100) year, six (6)hour storm events. Additionally, such facilities shall be capable

of conveying the one hundred (100) year, twenty four (24)hour peak flow rate assuming the principle spillway is fully clogged. All **SUBDIVISIONS** and sites shall comply with the storm water standards for Frankfort and Franklin County.

3.04.06 Gas, Electricity, Cable, and Telephone Service Design Standards

Except as provided in (A) or (B) below, all gas, electric, cable, telephone, and similar utilities provided to new **SUBDIVISIONS** and **BUILDING SITES** shall be placed underground in **RIGHTS-OF-WAY** or **EASEMENTS** as required. Above-ground utility service facilities, other than junction boxes, transformers and related ground-mounted equipment, are prohibited except as provided in accordance with (A) or (B) below. All permitted above ground service facilities shall be appropriately placed in or near front, side, or rear yard setbacks and should not be placed any closer than two (2) feet to the front or rear property line.

A. **SUBDIVISIONS** or sites, wherein more than seventy-five percent of the total number of residential units qualify as **AFFORDABLE HOUSING,** will be permitted to be serviced by above ground electric and telephone utility service facilities. In order to qualify for this provision, the developer of the SUBDIVISION or SITE shall provide to the PLANNING COMMISSION a written statement justifying and certifying that the requisite number of residential units will be sold at a price consistent with the definition of "affordable" as described in the commentary below or as may be determined by policy of the PLANNING COMMISSION from time to time. Also, the developer's certification statement shall also describe a binding method of enforcement to ensure that the requisite number of affordable dwelling units will be achieved over the life of the project, and the actions that the developer will take to ensure enforcement.

B. Above ground electric service may be provided to a SUBDIVISION or SITE when it is determined by the applicable PLANNING DIRECTOR or more of the following conditions exist: 1) the SUBDIVISION or SITE is located in an area where adjoining developed SUBDIVISIONS or SITES are served from above ground facilities; and/or 2) the SUBDIVISION or SITE can be served from existing overhead electric facilities without the need to construct new overhead facilities.

C. For all commercial and multi-tenant residential developments, a minimum three (3) inch ID, Schedule 40 PVC conduit will be provided to the Service Demarcation Point for Frankfort Plant Board Cable/Telecommunication facilities. The Demarcation Point is within a six (6) foot radius of the electric meter for external BUILDING terminations, or the mechanical room (wiring closet) near the electric service panel for terminations inside a BUILDING. A pull box is required for conduit runs having more than two (2) sweeping, ninety (90) degree bends between the Frankfort Plant Board cable/telecommunication access point and the Service Demarcation Point.

Commentary Pertaining to Section 3.04.06
Subpart (A) is intended to help reduce the cost of site development and eventual housing cost in order to support the production of affordable housing units in Frankfort and Franklin County. The definition of "affordable" is a maximum sale price, including closing costs, equal to 2.5 times the median household income for Franklin County.

3.04.07 Public Transit Standards

A. All non-residential **DEVELOPMENTS** with more than 100,000 square feet of gross floor area shall be required to conform to the following public transit standards:

1. Provide a transit shelter in a location as determined appropriate by the public transit authority, if the location is identified in the long-range plan for transit facilities.

2. Provide a publicly accessible sidewalk from the transit shelter to the principal entrance to the **DEVELOPMENT.** The principal entrance for a multi-tenant structure shall be the entrance for the principal tenant, or the tenant with the largest amount of gross floor area.

B. Residential **SUBDIVISIONS** are encouraged, but not required, to construct a multi-purpose pedestrian shelter (s) in common open space areas within in the development to provide a covered waiting area for school children and transit-riders.

3.05.00 EROSION AND SEDIMENTATION

3.05.01 Erosion Control Measures

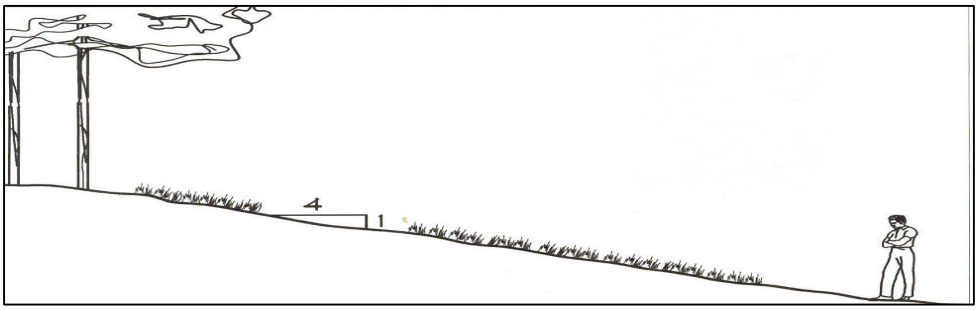
A. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching and/or seeding to prevent erosion. To protect ditches and other areas from erosion, the following protective measures shall be required for all **SUBDIVISIONS** and **BUILDING SITES**:

Grade of Ditch	Required Protection
Less than 1%	Seed and fertilize entire ditch and slopes.
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slope.
5% to 7%	Paved invert, and paved slope to six (6) inches above maximum flow depth, with four (4)inch thick reinforced concrete. Seed all other areas not paved in the right-of-way.
All over 10%	Seeded and pave as above, but with alternate side diagonal baffles at about three (3) to four (4) foot on center to retard flow.

B. All seeding and fertilization shall be done in conformance with the guidelines established by the Franklin County Conservation District. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, the contractor will correct it immediately, to the satisfaction of the applicable **ENGINEERING OFFICIAL.**

C.

Figure 3.12 Illustration of a 4 : 1 Slope Ratio



D. Effective sediment control measures shall be incorporated in the planning and construction of **SUBDIVISIONS** and sites. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb one (1) or more acres. The permit shall be obtained from the Division of Water, the Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. Practical combinations of the following technical principles shall be applied:

1. The smallest practical area of land shall be exposed at any one (1) time during development.

2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

6. The permanent final vegetation and structures shall be installed as soon as practical in the development.

7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

8. Wherever feasible, natural non-invasive vegetation shall be retained and protected.

3.06.00 DEDICATION OF EASEMENTS CONTROL

3.06.01 Type, Location and Extent of Easements

Where appropriate and to the fullest extent possible, **EASEMENTS** required by these regulations should be located and of sufficient width and extent as to provide for the installation and ongoing maintenance of the facilities or services installed within the easement, without creating a conflict with the application of other subdivision or zoning regulations. **EASEMENTS** shall be fully indicated on the **RECORD PLAT OR DEVELOPMENT PLAN.**

Commentary Pertaining to Section 3.06.01
The location and extent of easements should be planned to reduce the potential for conflicts with the application of other land development regulations. For example, where required landscape buffers and easements overlap in area with utility easements coordination between the utility provider, property owner and planning commission will be required in order to accomplish the objectives of both the landscape and utility easements.

B. The **PLANNING COMMISSION** may require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby **STREETS**, perpetual unobstructed **EASEMENTS** at least twelve (12) feet in width. The Commission may require a paved sidewalk for pedestrian safety within such an **EASEMENT.**

C. Where a **SUBDIVISION** borders on a watercourse in an area designated in the **COMPREHENSIVE PLAN** for public recreational use, the **PLANNING COMMISSION** may require **EASEMENTS** to be reserved for public access to the water.

D. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within **STREET RIGHTS-OF-WAY**, perpetual unobstructed **EASEMENTS** at sufficient width for such utilities shall be provided across property outside the **STREET** lines and with satisfactory access to the **STREET.**

E. Where a **SUBDIVISION** is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water **EASEMENT** or drainage **RIGHT-OF-WAY** conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the applicable **ENGINEERING OFFICIAL** to permit the construction of improvements designed to restrict flooding on adjoining properties. Parallel **STREETS** or medians may be required.

3.07.00 STREETSCAPE, LANDSCAPE, LIGHTING AND OPEN SPACE DESIGN STANDARD

3.07.01 Public Open Space Required *(amended 9-25-06)*

A. Any Subdivision, Condominium, or Development proposing a residential land use of twenty-six (26) lots/units or more shall provide public open space based on the following design standards:

1. 1,089 sq.ft. of platted open space area per lot or unit OR 5% of the gross acreage of the original parent tract, which ever is less.

2. Platted open space shall be maintained by the homeowners association of the development/subdivision/condominium. Alternative to maintenance:

   a. The Developer may choose not to provide the required homeowners association for the development and dedicate the required open space area to an accepted land trust provided the land trust is willing to accept the dedication and the Planning Commission approves this alternative method.

3. Platted open space areas shall be allowed to contain common amenities such as pavilions, playgrounds, pools, accessory structures, walkways, bike paths, trails, and the like. These areas may also consist of natural preserved scenic corridors, steep slopes, retention basins, and golf courses; however, right-of-way, driveways, parking for residential uses, or areas from the top of rim to the lowest elevation of detention basins or sink holes shall not be credited as the required open space area. The required open space areas should be properly designed to provide a reasonable and functional purpose within the development or to other

public open spaces outside of the development boundaries. The developer shall adequately demonstrate how the development and/or open space areas will protect ecologically sensitive areas, preserve natural or cultural features of the site, and preserve viewsheds or scenic vistas

4. Developers of a new development that is located equal to or less than 2640 feet (half mile) from an existing and accepted public open space may request to the Planning Commission to be exempt from the above requirements, provided they submit the following minimum justification:

    1. Verification that the subject property is equal to or less than 2640 feet from an existing public open space – measured from the parent tract boundaries and along the existing public rights-of-way or other acceptable access ways to the existing open space;

    2. How they have attempted to provided connections to nearby parks, greenways, public buildings, schools, or the like; and

    3. Adequately demonstrate how the development will protect ecologically sensitive areas, preserve natural or cultural features of the site, and preserve viewsheds or scenic vistas;

Commentary Pertaining to Section 3.07.01

The National Park and Recreation Association and Urban Land Institute publish standards for the amount of land for parks and open space that communities should strive to provide. Generally, this standard is 10 acres per 1,000 of population. This standard would yield a factor of 1,089 square feet of park and open space area per dwelling unit based on an average household size of 2.5 persons. Another way of describing this standard, when applied to a suburban subdivision, is that about 8% of the gross developable acreage of a subdivision should be set aside for park and open space purposes. (The 8% assumes that approximately 20% of every subdivision is occupied by roads, storm water facilities or other areas that are not developable for homes).

Within the urban and suburban area defined herein, there is an existing system of parks and open space available to serve new development. Therefore, the 8% factor has been reduced to 5% to reflect the availability of some existing park and open space resources. The existing inventory of public green space/open space within Frankfort/Franklin County is as follows:

A. Urban area = 2,162.28 ac. x 8% = 172.98

B. Suburban area = 13,371.69 ac. x 8% = 1,069.74 acres

Total open space per subdivision regulations = 1,242.72 acres

Total existing open space (only governmentally owned) = 1,296.86 acres

Total existing open space (including private golf courses) = 1,792.09 acres

3.07.02 Streetscape Requirements

STREET trees shall be planted along a **STREET TREE ALIGNMENT LINE** at an average spacing not greater than thirty (30) feet on center. **STREET** trees shall be at least 1.5-2.0 inch **CALIPER** and at least twelve (12) feet in overall height at time of installation. All **STREET** trees along any given **BLOCK** face should be of the same species. The following list contains all species approved for use as **STREET** trees**.** It contains native species, with some acceptable adapted plants. When the primary access to lots and sites is from the frontage street (as opposed to a rear alley), the average spacing standard may be modified by the applicable planning director to accommodate driveways.

Canopy and Understory Trees

Latin Name	Common Name
Acer rubrum	Red Maple *
Acer buergerianum	Trident Maple
Acer griseum	Hedge Maple
Acer tartaricum	Tartarian Maple
Acer saccharum	Sugar Maple *
Acer truncatum	Shantung Maple
Aesculus pavia	Red Buckeye
Amelanchier arborea	Downey Serviceberry
Amelanchier canadensis	Shadblow Serviceberry
Amelanchier laevis	Allegheny Serviceberry
Betula Nigra	River Birch
Carpinus caroliniana	American Hornbeam
Catalpa speciosa	Northern Catalpa *
Celtis laevigata	Sugar Hackberry *
Celtis occidentalis	Hackberry *
Cercis Canadensis	Redbud
Cercidiphyllum japonicum	Katsura Tree
Chionanthus virginicus	Fringetree
Cornus florida	Flowering Dogwood
Cornus kousa	Kousa Dogwood
Cornus mas	Corneliancherry Dogwood
Cotinus obovatus	American Smoketree
Cotinus coggygria	Smokebush
Cladrastis kentuckea	Yellowwood
Crataegis crusgalli inermis	Thornless Cockspur
Crataegis phaenopyrum	Washington Hawthorn (these contain thorns)
Crategis punctata var. inermis	Thornless Hawthorne 'Ohio Pioneer'
Crategis viridis	Green Hawthorne (these contain thorns)
Fraxinus americana	White Ash *
Fraxinus pennsylvanica	Green Ash *
Fraxinus pennsylvaiica ' Johnson'	Leprechaun Ash
Fraxinus quadrangulata	Blue Ash *
Ginkgo biloba	Ginkgo (male only) *
Gleditsia triacanthos inermis	Thornless Honeylocust

▪ Gymnocladus dioicus	Kentucky Coffeetree (male only) *
▪ Koelreutaria paniculata	Golden Raintree
▪ Liquidambar styracifolia	Sweetgum *
▪ Liriodendron tulipifera	Tulip Poplar *
▪ Maackia amurensis	Amur maackia
▪ Magnolia virginiana	Sweetbay Magnolia
▪ Malus spp	Crabapples
▪ Nyssa sylvatica	Tupelo Black Gum
▪ Ostrya virginiana	Hophornbeam
▪ Parrotia persica	Persian Parrotia
▪ Platanus x acerifolia	London Planetree *
▪ Platanus occidentalis	Sycamore *
▪ Prunus spp.	Plums, Cherries
▪ Quercus acutissima	Sawtooth Oak *
▪ Quercus alba	White Oak *
▪ Quercua bicolor	Swamp White Oak *
▪ Quercus borealis	Northern Red Oak *
▪ Quercus coccinea	Scarlet Oak *
▪ Quercus imbricaria	Shingle Oak *
▪ Quercus macrocarpa	Bur Oak *
▪ Quercus muchlenbergii	Chinkapin Oak *
▪ Quercus nigra	Water Oak *
▪ Quercus phellos	Willow Oak *
▪ Quercus robur	English Oak *
▪ Quercus rubra	Red Oak *
▪ Quercus shumardii	Shumard Oak *
▪ Sophora japonica	Japanese Pagoda
▪ Syringa pekinensis	Pekin Lilac
▪ Syringa reticulate	Japanese Tree Lilac
▪ Taxodium distichum	Bald Cypress *
▪ Tilia tomentosa	Silver Linden
▪ Ulmus parvifolia	Chinese Elm*
▪ Ulmus americana	American Elm *
▪ Viburnum prunifolium	Blackhaw Viburnum
▪ Viburnum rufidulum	Southern Blackhaw Virburnum
▪ Zelkova serrata	Japanese Zelkoba *

NOTE: (1) The species listed above that contain an asterisk (*) require a tree lawn of six (6) feet or more. (2) The list of species above may not be suitable for all sites, soils, or other conditions that may exist on a development streetscape. Consulting with an arborist is recommended prior to final approval. (3) Other species may be deemed acceptable by the City Arborist.

3.07.03 Lighting Requirements

A. **STREET** lighting shall be required for all street classifications in the Suburban Area.

B. Lighting fixtures shall be placed within the **STREET RIGHT-OF-WAY**, alternating along both sides of the **STREET** with a minimum spacing as determined by appropriate design standards of the utility provider. Lighting fixtures should be placed at the intersection of major streets serving the subdivision or site.

C. Lighting fixtures shall have a maximum height of eighteen (18) feet above the **GRADE** of the **SIDEWALK**, and a minimum clearance above the **GRADE** of the **STREET** of not less than fifteen (15) feet. All fixtures shall be of an appropriate design to shed light downward and away from residential structures to the rear of the fixture.

3.08.00 COMMUNITY FACILITIES

3.08.01 Reservation of Lands for Community Facilities

The **PLANNING COMMISSION** may require the reservation of lands for community facilities as a condition of preliminary subdivision plan plat or **DEVELOPMENT PLAN** approval. Community facilities for which a reservation of land may be required include community parks, schools, and other public uses. Reservations are subject to the following criteria:

A. The maximum period of time that land shall be reserved, unless voluntarily extended by the property owner, will be two years. This period shall begin with the date that the **RECORD PLAT** containing the reservation is officially recorded by the Clerk of Franklin County or upon approval of a development plan.

B. The reservation will be deemed to be extended beyond the two (2) year period if a public agency or organization, such as a Board of Education, has made a bona fide offer for the purchase of the reserved land. The extension will be null and void if the property owner formally rejects the offer.

C. The property owner may elect to voluntarily reserve the lands beyond the two (2) year period, but such reservation shall be made in writing to the **PLANNING COMMISSION**.

Commentary Pertaining to Section 3.08.01
The Kentucky Revised Statutes, Chapter 100.281 (5) provides that subdivision regulations may include "specifications for the extent to which land is to be used for public purposes shall be reserved as a condition precedent to approval by the commission of any subdivision plat." The maximum time period for such reservation is two (2) years.

Part 4

Rural Area Subdivision and Development Design Requirements

4

4.01.00 GENERALLY

4.01.01 Intent

The requirements of Part 4 are provided to ensure that **SUBDIVISIONS** and **DEVELOPMENT PLANS** within the Rural Area are consistent with the predominant characteristics of rural types of development. It is the intent of the **PLANNING COMMISSION** that land proposed to be subdivided shall be suitable for development, including consideration of flood hazards; geologic hazards; availability of adequate water supply, sewage disposal, storm water facilities, transportation facilities, and schools; or consideration of other such conditions as may endanger the health, life, or property of the citizens of Frankfort and Franklin County.

Commentary Pertaining to 4.01.00
A **BUILDING SITE** is any group of one (1) or more **LOT(S)** or parcel(s) occupied or intended for **DEVELOPMENT** as a unit, whether or not as part of a larger **DEVELOPMENT SITE. BUILDING SITE** area does not include surface water bodies or floodways, but does include wetlands. (From Part 10 – Definitions)

4.01.02 Applicability

SUBDIVISIONS and Development Plans within the boundaries of the Rural Area, as depicted on the Map of Urban, Suburban, and Rural Areas (Figure 1.1 located in Part 1), shall comply with the requirements of this Part. (See Section 1.07.00 for the rule applicable to properties located in more than one type of area.)

4.02.00 STANDARDS FOR LOT LAYOUT AND SITE DESIGN

4.02.01 Compliance with Zoning District Requirements

SUBDIVISIONS and **DEVELOPMENT PLANS** within the Rural Area shall comply with the requirements of the zoning district in which the **SUBDIVISION** or site is proposed. Zoning district regulations govern **BUILDING PLACEMENT**, density, and intensity of use.

4.02.02 Conventional Rural Lot Design Requirements

A. **LOT AREA** for Conventional Rural **LOT SUBDIVISIONS** in the Rural Area, except as provided in 4.02.03 below and for lands zoned in the Agricultural classification, shall be a minimum of one and one-half (1.5) acres.

B. **LOT FRONTAGE** on a public or private **STREET** for **SUBDIVISIONS** in the Rural Area shall be an average of 200 feet. Frontage can be to a classified public **THOROUGHFARE** or **NEIGHBORHOOD STREET**, or to a private access **EASEMENT**.

Commentary Pertaining to 4.02.02 (B)

Averaging lot frontage in a rural subdivision would permit the creation of flag lots and provide some flexibility for the use of clustering techniques. For example, a five (5) lot minor plat with three (3) flag lots and two (2) conventional lots would be required to have one-thousand (1,000) feet of frontage which would produce an average of 200 feet of frontage for the five (5) lot subdivision.

C. There shall be no minimum **LOT DEPTH** for conventional rural **SUBDIVISIONS** in the Rural Area.

D. **LOTS** shall be configured so that side **LOT** lines are at right angles to the **LOT FRONTAGE** or **STREET FRONTAGE** where practical. Lots fronting on the turnaround portion of a cul-de-sac represent one situation where it may not be practical for side lot lines to form a right angle with the lot or street frontage.

E. **SUBDIVISIONS** should not be configured with **DOUBLE FRONTAGE** or **REVERSE FRONTAGE LOTS**. An exception to this requirement may be granted where the configuration is needed to provide for the separation of residential development from major transportation **THOROUGHFARES, LOTS** developed or zoned for commercial use, or **LOTS** developed or zoned for industrial use. Planned Unit Developments (PUD) will be exempt from this requirement.

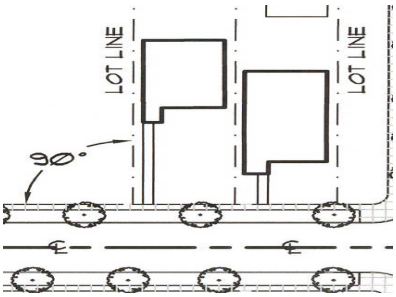
F. **CORNER LOTS** shall have sufficient frontage on the two **ABUTTING STREETS** to ensure that all **BUILDING PLACEMENT** standards are met.

G. **FLAG LOTS** may be permitted according to the standards below:

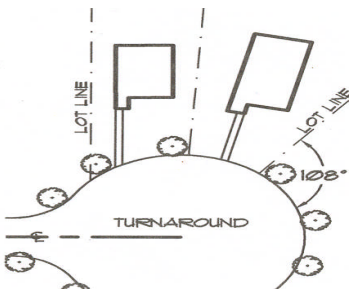
1. A **FLAG LOT** shall not be created when the principal method of access is to a **THOROUGHFARE**. **FLAG LOTS** shall be created only when primary access is to a **NEIGHBORHOOD STREET**.
2. The flag driveway/access **EASEMENT** shall be a minimum width of 20 feet and maximum width of 50 feet.
3. **FLAG LOTS** shall not constitute more than ten (10 percent) of the total number of **LOTS** proposed for platting, or three **LOTS**, whichever is greater.
4. The **LOT** area occupied by the flag driveway/access easement shall not be counted as part of the required minimum **LOT** area.

Figure 4.1 Illustration of Lot Line Standards

Lot Line at Right Angle to Street



Lot Line at Right Angle to Street



4.02.03 Rural Cluster Subdivision Lot Design Requirements

A. **LOT AREA** for cluster **SUBDIVISIONS** in the Rural Area shall be a minimum of one and one-half (1.5) acres, however, this standard may be reduced to one-half (0.5) acre when **SUBDIVISION LOTS** are clustered and the acreage difference between these standards (one acre per lot) has been placed in a permanent conservation easement.

B. **LOT FRONTAGE** for rural cluster **SUBDIVISIONS** shall be an average of 100 feet. Frontage can be to a classified public **THOROUGHFARE** or **NEIGHBORHOOD STREET**, or to a private access **EASEMENT.**

C. The minimum lot depth for rural cluster **SUBDIVISIONS** shall be 100 feet.

4.03.00 TRANSPORTATION SYSTEM REQUIREMENTS

4.03.01 Street System Classification

A. The proposed **STREET** system of the **SUBDIVISION** or site shall conform to the system of **THOROUGHFARES** and **NEIGHBORHOOD STREETS** established in the Rural Area. Extensions and connections of new **THOROUGHFARES** and **STREETS** to existing **THOROUGHFARES** and **STREETS** shall be required to continue the transportation system and pattern of the Rural Area. The proposed transportation system shall provide for adequate and safe on and off-street parking, and adequate and safe loading and unloading of goods and equipment.

B. The proposed street system of the **SUBDIVISION** or site shall conform to the **MAJOR STREET PLAN. (**See Transportation Plan contained in the Frankfort and Franklin County Comprehensive Plan.)

4.03.02 Design Standards - Thoroughfares and Neighborhood Streets

B. The minimum **RIGHT-OF-WAY** width, as measured from **LOT** line to **LOT** line, shall be as provided in the **MAJOR STREET PLAN**, but shall not be less than the standards shown below in Table 4.1.

Table 4.1 Minimum Right-of-Way Requirements – Rural Area

Rural Area Street Type Classification	Minimum ROW (feet) No On-Street Parking		Minimum ROW (feet) With On-Street Parking One or Both Sides	
Thoroughfares	**3 lanes**	**5 lanes**	**3 lanes**	**5 lanes**
Arterial	80	104	96	NA
Collector	70	94	86	110
Marginal/Frontage	50	NA	NA	NA
Neighborhood Streets (2)	**2 lanes**	**3 lanes**	**2 lanes**	**3 lanes**
Major	60 (3)	71	76	87
Minor/Common Drive	40 (3)	NA	NA	NA
Country Road	40 (3)	NA	NA	NA

(1) A CG section is required and includes the curb and gutter along both sides of the street and painted medians. The **RIGHT-OF-WAY** requirements shown are for curb and gutter section, however, these requirements may be increased or decreased to incorporate an open drainage system as approved by the applicable **ENGINEERING**

OFFICIAL. See Section 3.03.02 (Q) for curb and gutter design alternative and standards applicable when a curb and gutter section is required or provided.

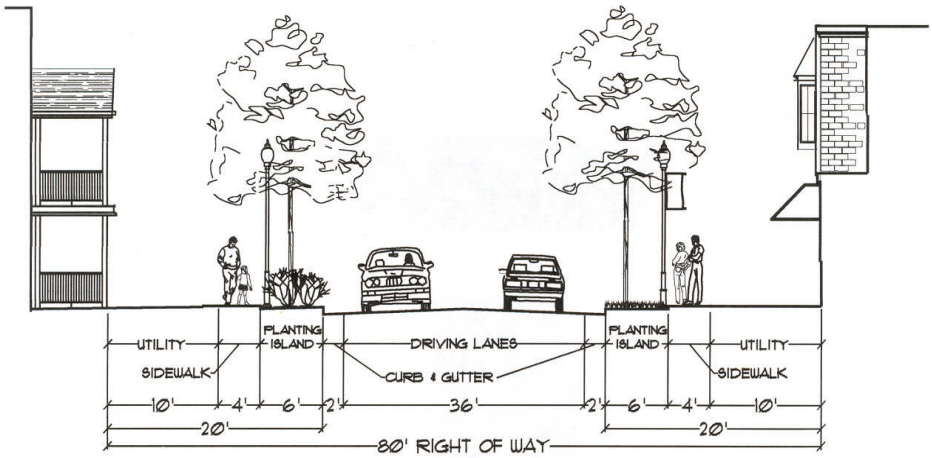
(2) Curbs and gutters are not required for **NEIGHBORHOOD STREETS**.

(3) The minimum **RIGHT-OF-WAY** is based on a nine (9) foot parkway along both sides of the **PAVEMENT** to provide for drainage of the roadway. This is a minimum and may be increased based on more specific design requirements.

Note: The references to 3 and 5 lanes for **STREET** types are based on two or four travel lanes and one left turn lane.
Note: The **RIGHT-OF-WAY** standards assume that left turn lanes are painted to separate movements. If a raised median is planned, the **RIGHT-OF-WAY** requirements will be increased to accommodate the additional curb and gutter.

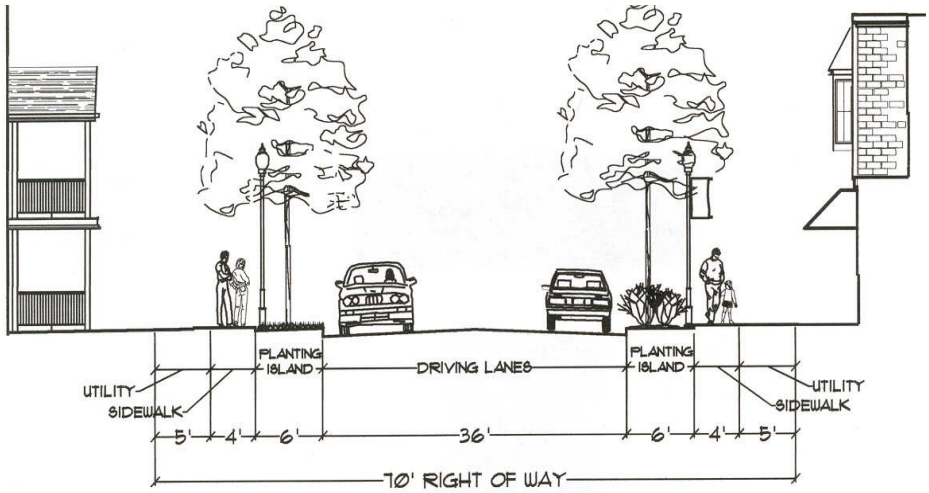
B. Typical Cross-Sections and Requirements for Thoroughfares and Neighborhood Streets – The following Figures contain all **RIGHT-OF-WAY** and design requirements that shall be applicable for these classifications.

Figure 4.2 Thoroughfare Design Standards

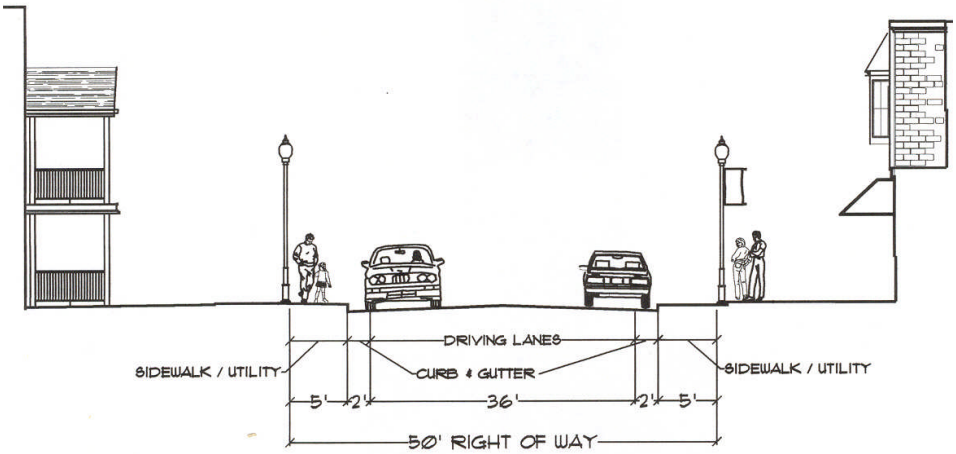


Arterial Thoroughfare Cross-Section
If on-street parking is included, an additional 8 feet per side is recommended for parking lanes

Figure 4.2 Thoroughfare Cross-Sections Continued



Collector Thoroughfare Cross-Section
If on-street parking is included, an additional 8 feet per side is recommended for parking lane



Marginal/Frontage Thoroughfare Cross-Section

Figure 4.3 Major Neighborhood Street Design Standards

Major Neighborhood Streets should be utilized within Rural Area SUBDIVISIONS and sites when serving a mixture of residential and non-residential uses, such as in a small community center.

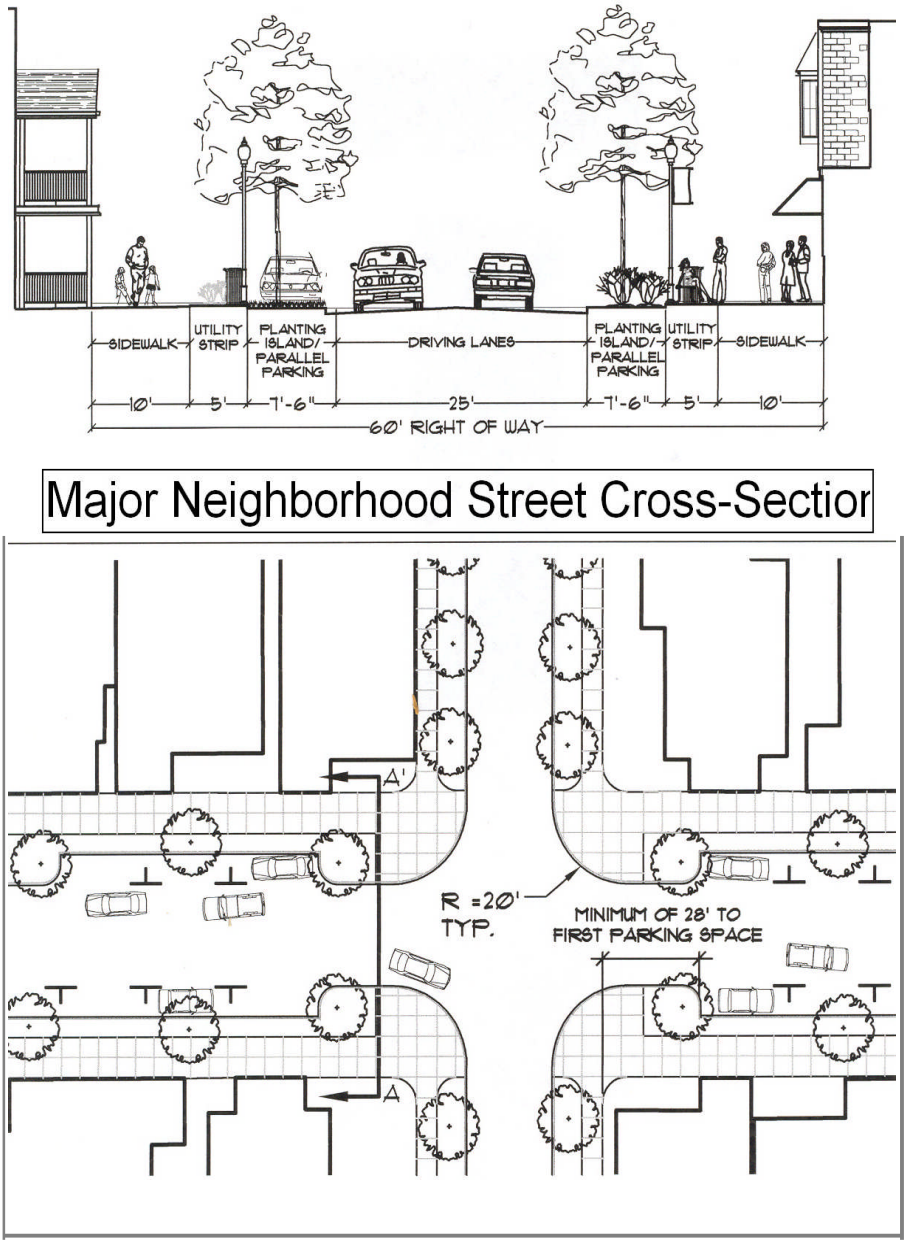
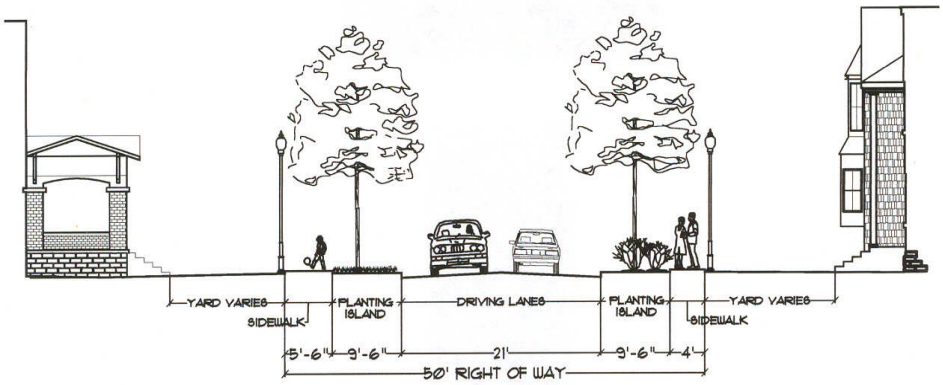


Figure 4.4 Minor/Common Drive Neighborhood Street Design Standards

Minor Neighborhood Streets should be utilized within Rural Area cluster SUBDIVISIONS and sites to provide access to individual LOTS and BUILDING SITES.



Minor Neighborhood Street Cross-Section

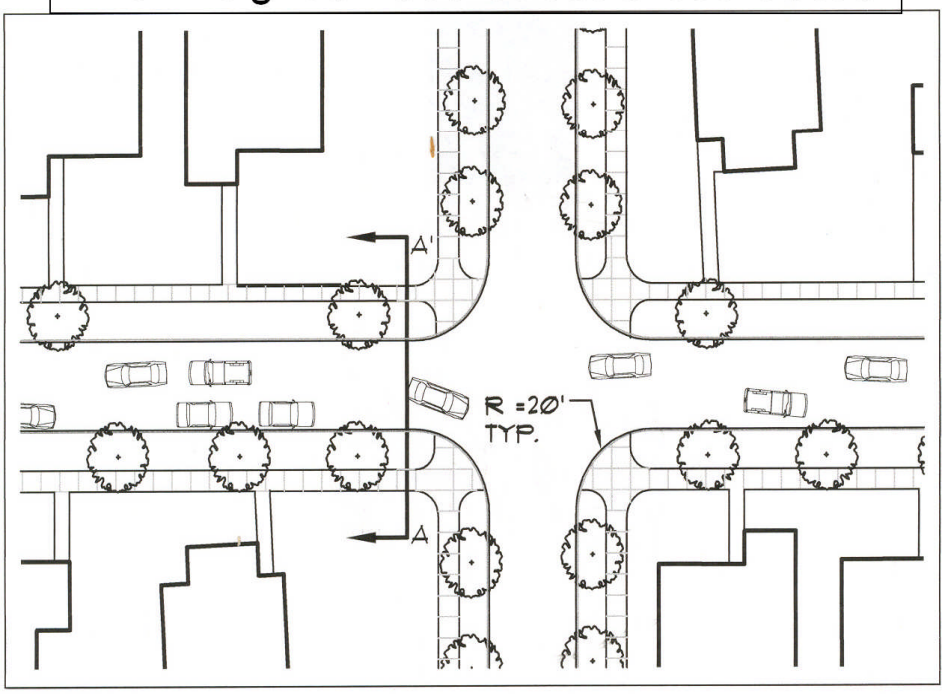
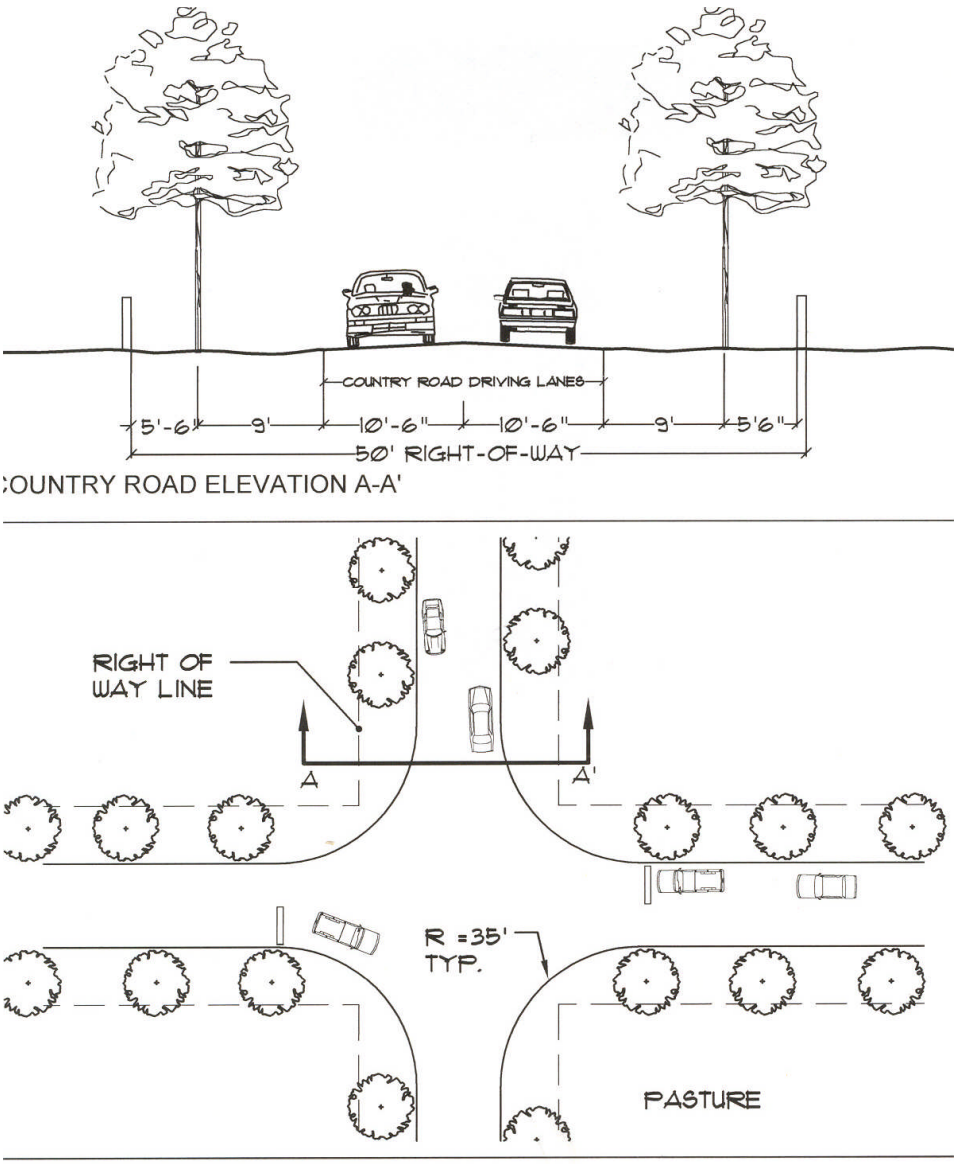


Figure 4.5 Country Road Design Standards

The Country Road typical section should be utilized when serving very low density residential and agricultural land uses where the average distance between driveways is at least 250 feet.



C. **SUBDIVISIONS** that are platted or sites proposed for **DEVELOPMENT** along existing **THOROUGHFARES** and **STREETS** that do not meet the standards of 4.03.02(A) shall provide additional **RIGHT-OF-WAY** sufficient to meet the minimum standards.

1. Where the **SUBDIVISION** or SITE is located on one side of the existing **STREET** that does not meet the minimum **RIGHT-OF-WAY** standards, one-half (1/2) of the needed **RIGHT-OF-WAY** shall be provided.

The required **RIGHT-OF-WAY** shall be based on a measurement from the centerline of the existing **STREET**.

2. Where the **SUBDIVISION** or site is located along both sides of an existing **STREET** that does not meet the minimum **RIGHT-OF-WAY** standard, all additional **RIGHT-OF-WAY** shall be provided.

3. The minimum pavement width for **THOROUGHFARES** and **STREETS** shall be as indicated in the cross sections for **THOROUGHFARES** and **STREETS.**

D. The centerline of all **THOROUGHFARES** and **STREETS** shall intersect as nearly at a ninety (90) degree angle as possible for a tangent distance of at least one hundred (100) feet, but in no case shall the angle of intersection be less than seventy-five (75) degrees or greater than one hundred and five (105) degrees.

E. Where T–type intersections are permitted, the following minimum offsets set forth in Table 4.2 shall be required.

Table 4.2 Minimum Offset Requirements for T-type Intersections

Intersection Type	Minimum Offset Between Centerlines (in feet)
Arterial with Arterial	600
Arterial with Collector or Frontage	600
Arterial with Major Neighborhood St.	600
Arterial with Minor Neighborhood St.	600
Collector with Collector	400
Collector with Frontage	400
Collector with Major Neighborhood St.	400
Collector with Minor Neighborhood St.	400
Major Neighborhood St. with Minor/Common Drive or Country Road	150

F. Intersections shall not be designed with more than four (4) approaches. This design requirement shall not be construed to prohibit merging lanes, deceleration lanes, or traffic circles.

G. The highest classification of **THOROUGHFARE** or **NEIGHBORHOOD STREET** shall be considered the through **STREET** when intersecting with any other classification of **THOROUGHFARE** or **NEIGHBORHOOD STREET**.

H. The minimum and maximum **GRADES** for all classified **STREETS** is shown in the following table:

Table 4.3 Minimum and Maximum Grades

Thoroughfare or Neighborhood Street Type	Grades	
	Minimum	Maximum
Arterial	0.5%	5%
Collector/Frontage	0.5%	8%
Major Neighborhood	0.5%	10%
Minor/Common Drive/Country Road	0.5%	8-12% (1)

*(1) The **GRADE** may not exceed 8% unless specifically authorized by the applicable **ENGINEERING OFFICIAL** and provided that additional landing area is provided where the **STREET** intersects with another **STREET**.*

I. Where the **GRADE** of any **THOROUGHFARE** or **NEIGHBORHOOD STREET** at the approach to an intersection exceeds three (3) percent, a leveling area shall be provided, having a **GRADE** not greater than three (3) percent for a distance of fifty (50) feet back from the edge of the **RIGHT-OF-WAY** of the intersecting **STREET**.

J. A change in **GRADE** shall be connected by a vertical curve that provides a minimum sight distance equal to: the distance an automobile will travel in six (6) seconds at the design speed of the road. This standard may be reduced at the discretion of the applicable **ENGINEERING OFFICIAL** in order to preserve scenic, cultural or historic resources.

K. The minimum horizontal curve radius for **THOROUGHFARES** shall be 600 feet and 100 feet for **NEIGHBORHOOD STREETS** unless an alternative is approved by the applicable **ENGINEERING OFFICIAL.**

L. The minimum radius for **THOROUGHFARE** curb intersections shall be thirty-five (35) feet. The minimum radius for **NEIGHBORHOOD STREET** curb intersections shall be twenty (20) feet. All measurements shall be from the **PAVEMENT** edge.

M. Dead-end **NEIGHBORHOOD STREETS** shall not be included in **SUBDIVISIONS** proposed in the Rural Area, unless topography or the existing **STREET** pattern requires a dead-end **STREET**. When a dead-end **STREET** is proposed, the **STREET** shall meet the following standards: The **STREET** shall be designed as a permanent dead-end street.

1. The dead-end **STREET** shall not be longer than 500 feet.

2. The **STREET** shall be designed with a closed end with a turn-around having a radius at the outside of the **PAVEMENT** of forty-five (45) feet, and a radius at the outside of the **RIGHT-OF-WAY** of at least fifty (50) feet.

N. **THOROUGHFARE** and **NEIGHBORHOOD STREET** names shall meet the following standards as well as those in Part 9 Street Naming, Closing and Site Addressing Procedures

1. **THOROUGHFARE** and **NEIGHBORHOOD STREET** extensions shall bear the same name as the existing **STREET.**

2. **THOROUGHFARE** and **NEIGHBORHOOD STREETS** that align with existing **STREETS** shall bear the same name as the existing **STREET**.

O. There shall be no private **THOROUGHFARES** or Major **NEIGHBORHOOD STREETS** in Rural Area **SUBDIVISIONS**, however, dedication to the public of a cross-access **EASEMENT** to create a Minor/Common Drive or Country Road is acceptable.

P. **THOROUGHFARE** and **NEIGHBORHOOD STREET PAVEMENT** design and construction standards are shown in Table 4.4. **PAVEMENT** base shall consist of not less than two courses (five inch maximum per lift) of dense graded aggregate laid and rolled separately to at least ninety (90) percent maximum density, totaling the required number of inches based on **STREET** type for the full width of **PAVEMENT** and including any proposed shoulder. Sub-**GRADE** shall have been graded and rolled to ninety (90) percent of maximum density prior to the placement of the first course of aggregate. A bituminous binder course shall be applied with the thickness at the thinnest point as required for the applicable street type. A surface or wearing course of Asphalt Concrete, Class I, Type "A", or the equivalent shall be applied, with a thickness at the thinnest point of one and one-half (1.5) inches.

Table 4.4 Pavement Design and Construction Standards

Type	Compacted DGA Base (inches)	Bituminous Asphalt Base (inches)	Finish Grade Bituminous Asphalt (inches)
Arterial	12	4	1.5
Collector	10	4	1.5
Neighborhood Streets/Country Road	10	3	1.5

4.03.02.Q. ALTERNATIVE TO DESIGN STANDARDS. *(amended 12-17-07)*

Any applicant with a project that requires the installation of public infrastructure may submit a written request to the appropriate Engineering Official that their proposed development utilize design practices that are consistent with A Policy on Geometric Design of Highways and Streets (current edition) published by the American Association of State Highway and Transportation Officials (AASHTO). Such request shall specify the section(s) to which the AASHTO guidelines are to be applied. Approval by the appropriate Engineering Official of a portion or all of the request may be authorized without the need of Planning Commission review.

4.03.03 Design Standards for Street Drainage

All **STREETS** shall be designed in accordance with the applicable storm water management and design guidelines for the City of Frankfort or Franklin County.

4.03.04 Design Standards for Street Signs

Developers of **SUBDIVISIONS** and sites are responsible for placement of **STREET** signs in accord with the following requirements:

A. The developer shall place at least two **STREET** name signs at each four-way **STREET** intersection and one at each "T" intersection;

B. Where **STREET** lighting is provided, signs shall be installed under light standards, free of visual obstruction, and easily legible;

C. All **STREET** signs must be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and shall be metal with reflective lettering; and,

Commentary Pertaining to 3.03.03 (C)
The MUTCD can be viewed or downloaded from the following website. http://mutcd.fhwa.dot.gov/12.28.01.htm

D. The developer, or successor in interest, will be responsible for the maintenance and replacement, when necessary, of any aspect of a required **STREET** sign that exceeds the minimum requirements of the MUTCD and has been approved by the applicable **ENGINEERING OFFICIAL.** This would include decorative features associated with the signage.

4.03.05 Street Connectivity Standards

A. Wherever a proposed **SUBDIVISION** or site abuts unplatted land or a future **DEVELOPMENT** phase of the same **DEVELOPMENT**, **STREET** stubs shall be installed to allow access to abutting properties or to logically extend the **STREET** system into the surrounding area.

B. All **STREET** stubs shall be installed with a turn-around having a radius at the outside of the **PAVEMENT** of forty-five (45) feet, and a radius at the outside of the **RIGHT-OF-WAY** of at least fifty (50) feet.

4.03.06 Design Standards for Sidewalks

A. Where provided, all **SIDEWALKS** shall be constructed of Portland Cement concrete, or other material acceptable to the applicable **ENGINEERING OFFICIAL**, with a minimum three thousand five hundred (3,500) pounds per square inch Class A concrete, and contain fiber reinforced mesh.

B. **SIDEWALKS** shall be constructed on thoroughly compacted sub-**GRADE** and shall be a minimum of four (4) feet in width.

C. **SIDEWALKS** shall be scored in squares, with the minimum spacing based on one (1) foot per foot of **SIDEWALK** width. Expansion joints shall be placed at thirty-two (32) foot intervals, or where necessary based on the **GRADE**, location of driveways, and other features of the **SIDEWALK** corridor. **SIDEWALK** slope toward the curb shall be one-quarter (1/4) of an inch to the foot.

D. **SIDEWALKS** shall be located not less than six (6) inches from the property line in residential areas to prevent interference or encroachment by fencing, walls, hedges, or other planting or structures placed on the property line at a later date.

E. **SIDEWALKS** shall be designed to connect to and extend existing **SIDEWALKS**.

F. Ramps at intersections shall b e provided to comply with the design requirements of the Americans with Disabilities Act.

G. **SIDEWALKS** should properly connect with pedestrian crosswalks, and part of the responsibility of the developer for the installation of **SIDEWALKS** will include the delineation of pedestrian crosswalks on the surface of the **STREET** consistent with the requirements of the applicable **ENGINEERING OFFICIAL**.

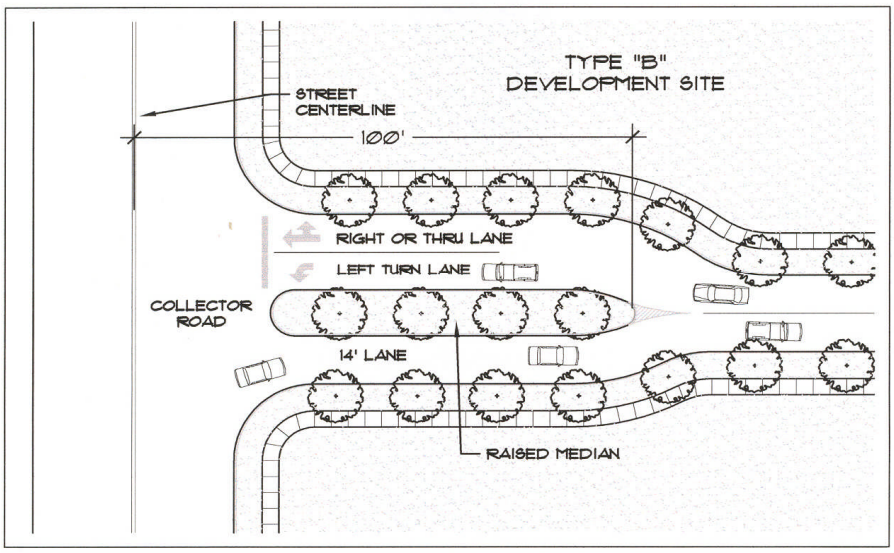
4.03.07 Emergency Vehicle Access *amended 12-17-07)*

A. **SUBDIVISIONS** or sites shall provide for emergency vehicle access consistent with the type and density or intensity of use.

B. For proposed developments of fifty (50) or fewer residential **LOTS** or 30,000 square feet or less of gross floor area of non-residential use (Type A Development) a single two (2) lane, two-way access from the **SUBDIVISION** or site to the transportation system shall be sufficient for emergency access. A single one-way lane may be permitted as an alternative to the standard above with the written approval of the applicable Engineering Official.

C. For proposed developments with fifty-one to one hundred (51-100) residential **LOTS** or 30,001-150,000 square feet of gross floor area of non-residential use (Type B Development), a four (4) lane, two-way access divided by a raised median shall be sufficient for emergency access. The length of the four (4) lane two way divided access, as measured from the centerline of the connecting **THOROUGHFARE** or **STREET** shall be determined from Table 4.5 on the following page. The width of the median is provided in 4.03.09.

Figure 4.6 Illustration of Driveway Design for Emergency Vehicle Access



D. For proposed developments with more than one hundred (100) residential **LOTS** or 150,001 or more square feet of gross floor area of non-residential use (Type C Development), a minimum of two (2) separate access **STREETS** or driveways to the abutting transportation system shall be provided. If a development site fronts on two roadways, then a driveway on each shall be required. The type and design requirements for both of these access **STREETS** or both driveways should be as determined by the **ENGINEERING OFFICIAL** upon recommendation of both the applicable Fire Chief and Planning Director.

Table 4.5 Length of Access Based on Street Classification

Roadway Type	Type A Development	Type B Development	Type C Development
Arterial	100 ft.	120 ft.	160 ft.
Collector	80 ft.	100 ft.	140 ft.
Neighborhood Streets	60 ft.	100 ft.	120 ft.

4.03.08 Access from Residential Lots to Thoroughfares *amended 12-17-07)*

Access from residential **LOTS** to **THOROUGHFARES** shall be prohibited in the Rural Area except where the provision of access is determined by the **PLANNING COMMISSION** to be an important element in the preservation of the scenic or historic character of the **THOROUGHFARE** or **STREET.** Where such access is allowed, the spacing of such access locations shall conform to the general pattern of **LOT** access driveways along the roadway.

Commentary Pertaining to Sections 4.03.07 and .08
In addition to the access management standards of these sections, please refer to the access management requirements of the Zoning Regulations.

4.03.09 Access Connection and Driveway Design Standards *amended 12-17-07)*

Driveways from individual non-residential **LOTS** or **BUILDING SITES** to **THOROUGHFARES** or **NEIGHBORHOOD STREETS** shall be designed in accordance with the standards below:

A. Driveway width shall be determined by the following requirements:

1. If the driveway is a one-way in or one-way out drive, then the driveway shall be a maximum width of sixteen (16) feet and shall designate the driveway as a one-way connection.

2. For two-way access, each lane shall have a minimum width of twelve (12) feet and a maximum of four (4) lanes shall be allowed. Whenever more than two (3) lanes are proposed, entrance and exit lanes shall be divided by a raised median. The median shall be not less than four (4) feet wide or thirteen (13) feet wide if five (5) or more lanes are proposed. An exception to this median design is if the access is on a state right-of-way and the KYTC will not approve this design with the minimum median size. The applicant must provide written documentation to the Planning Director that KYTC will not approve such a design and what alternative design closest to the requirement will be acceptable. to KYTC.

   NOTE: Nothing in this section shall prevent the applicable Engineering Official to allow the median to be tapered or striped for safety purposes

3. Driveways that enter the major **THOROUGHFARE** or **NEIGHBORHOOD STREET** at traffic signals must have at least two outbound lanes (one for each turning direction) of a least twelve (12) feet in width, and one inbound lane with a fourteen (14) foot width unless otherwise authorized by the applicable Engineering Official.

B. On-**STREET** parking shall be prohibited within the entire length of the access driveway as determined from Table 4.5.

C. Driveway **GRADES** shall conform to the requirements of the Kentucky Transportation Cabinet Standard Index, Roadways and Traffic Design Standard Indices, latest edition, but in no case shall a driveway **GRADE** exceed twelve (12) percent.

D. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is not permitted.

4.04.00 PUBLIC FACILITY AND SERVICE REQUIREMENTS

4.04.01 Required Facilities and Services

SUBDIVISIONS AND DEVELOPMENT PLANS proposed within the Rural Area shall provide for the following facilities and services: potable water, sanitary sewer, flood hazard protection, storm water management, gas, electricity, cable, and telephone.

4.04.02 Water System Design and Fire Protection Standards

All Rural Area **SUBDIVISIONS** and development plans are required to have adequate potable water service from a public utility provider, or a properly permitted private well, for drinking water and fire protection. All **SUBDIVISIONS** and sites shall comply with the design standards below and those standards adopted by the Frankfort Plant Board. Where standards contained herein are determined to conflict with standards adopted by the Frankfort Plant Board or other potable water provider, the more stringent standard shall apply. The applicable Engineering Official shall consult with the utility service provider and make the final determination that standards are in conflict and which standard is more stringent.

A. Water mains shall be not less than six (6) inches in diameter. Larger mains may be required when warranted by service or topographic conditions. Four (4) inch water mains may be considered by the applicable **ENGINEERING OFFICIAL,** but only for mains which do no serve as a fire hydrant branch. Blow-off's shall be installed as necessary and pursuant to **ENGINEERING OFFICIAL** requirements.

B. Dead end water service to a **SUBDIVISION** or **DEVELOPMENT SITE** should not be permitted. Water service mains should connect to the distribution system at a minimum of two (2) points to avoid interruption of service should one main be out of service. A single point of connection to the public distribution system may be permitted when it is determined that a second connection is not feasible due to the physical limitations of the site.

C. Water mains should be so arranged that the distance between intersecting mains does not exceed eight hundred (800) feet. If intersecting mains are at a distance in excess of this standard, eight (8) inch or larger mains must be used.

D. The distribution system for **SUBDIVISIONS** and sites shall be equipped with a sufficient number of valves located in a manner such that breakage or other interruption will not cause the shut down of any portion of a main greater than eight hundred (800) feet.

E. Fire hydrants shall meet the minimum specifications and be installed in conformity with the requirements of the public water service provider.

F. Fire hydrants shall be able to deliver a minimum of five hundred (500) gallons per minute or other rate of water flow as determined by the applicable Fire Department Official, for firefighting purposes. Friction loss between the main and the hydrant should b minimized to ensure that the hydrant can deliver the specified flow of water.

G. Fire hydrants shall be equipped with not less than two (2) two and one-half (2 ½) inch outlets and one (1) four and one-half (4 ½) inch main steamer or pumper outlet and an isolation valve must be between the street main and the hydrant.

H. Hydrant spacing shall be determined by the fire flow demand standards below or as determined for specific site by the applicable Fire Department Official:

1. Higher density residential and commercial areas, where the proposed density is greater than three (3) dwelling units per net acre or greater than a 0.15 **FLOOR AREA RATIO**, shall have hydrants located as to keep hose lines at a maximum of five hundred (500) feet. At a minimum, there shall be enough hydrants appropriately spaced within the **SUBDIVISION** or **SITE** to make two (2) streams of water available at every part of the interior and exterior of each building not covered by standpipe protection. Private hydrant design and installation (private hydrants are those located on private property and not within a public right-of-way or easement) may also be required to comply with the standard to make available two (2) streams of water at every part of the interior and exterior of each building not covered by standpipe protection.

Commentary Pertaining to Section 4.04.02.H.1:
The property owner will be responsible for the design, installation and maintenance of the water distribution system and fire hydrants to be placed within a site, outside of a public right-of-way or easement.

2. For lower density or intensity residential or commercial areas, hydrant spacing shall not exceed eight hundred (800) feet between hydrants. In higher density residential and commercial developments, hydrant spacing shall not exceed 500 feet between hydrants, nor shall any portion of a building be further than 500 feet from a hydrant installed to protect it.

3. Fire hydrants shall be located as close to a **STREET** intersection as possible with intermediate hydrants along the **STREET** or on the site of the premises so as to meet area requirements. Hydrants should be located in designated **STREET** tree planting or other portion of the right-of-way designated for utilities.

4. Measurements for distances referenced above shall be made along an all-weather road (never measured through or across yards, fields, woods, creeks, or other avenues not accessible to fire apparatus) for laying hose lines.

I. All fire hydrants shall be placed a minimum of fifty (50) feet from the exterior wall of any building to be protected. When such placement is impossible, hydrants shall be placed where the chance of injury by falling walls is minimized and where firefighters are not likely to be driven away by smoke or heat. The height of proposed buildings shall be considered for minimum distance when the fifty (50) foot distance is not possible.

4.04.03 Sanitary Sewer System Design Standards

All Rural Area **SUBDIVISIONS** and sites are required to have adequate sanitary sewer service from either a public utility provider or by an on-site system approved by the Franklin County Health Department.. All **SUBDIVISIONS** and sites shall comply with the design standards adopted by the public utility provider or administered by the Franklin County Health Department. In addition, the following standards are applicable:

A. The maximum length of sanitary sewer pipe between manholes is 350 feet;

B. Residential **LOTS** served by an on-site sanitary sewer system shall be a minimum of two hundred (200) feet wide as measured at the building line, and one-half (1/2) acre in area. If a rural cluster subdivision is requested, the minimum lot frontage shall be an average of 100 feet wide. A greater area than specified may be required for residential **LOTS** if, in the opinion of the County Health Officer, there are factors of drainage or soil condition to cause potential health hazards.

4.04.04 Flood Hazard Protection Standards

Any land lying below the intermediate regional flood elevation as designated by the U.S. Army Corps of Engineers or five hundred seven (507) feet above mean sea level (MSL) as determined from the published data and maps of the U. S. Geological Survey (USGS) shall be considered as subject to repeated flooding unless the land is rendered flood free by a flood protection facility. Land that is subject to repeated flooding or is deemed to be topographically unsuitable for any residential use shall not be approved for **SUBDIVISION** or site development, nor for any other use that may create danger to the public health, life, or property or aggravate erosion or flood hazards.

All **SUBDIVISIONS** and sites shall be designed to conform to the requirements of any applicable Floodplain Zone (See Article 8 of the Frankfort and Franklin County Zoning Regulations).

4.04.05 Storm Water Management Design Standards

All Rural Area **SUBDIVISIONS** and sites are required to have adequate storm water management facilities to limit the post development peak runoff from a **SUBDIVISION** or site to the predeveloped value for the ten (10) year, one (1) hour and one-hundred (100) year, six (6)hour storm events. Additionally, such facilities shall be capable of conveying the one hundred (100) year, twenty four (24) hour peak flow rate assuming the principle spillway is fully clogged. All **SUBDIVISIONS** and sites shall comply with the storm water standards for Frankfort and Franklin County.

4.04.06 Gas, Electricity, Cable, and Telephone Service Design Standards *(amended 12-17-07)*

All gas, electric, cable, telephone, and similar utilities provided to new **SUBDIVISIONS** and **DEVELOPMENT PLANS** shall be placed above ground or underground in **RIGHTS-OF-WAY** or **EASEMENTS** as required. All permitted above ground service facilities shall be appropriately placed in or near front, side, or rear yard setbacks and should not be placed any closer than two (2) feet to the front or rear property line.

A. For all commercial and multi-tenant residential developments, a minimum three (3) inch ID, Schedule 40 PVC conduit will be provided to the service demarcation point for Frankfort Plant board Cable/Telecommunication facilities. The demarcation point is within a six (6) foot radius of the electric meter for external building terminations, or the mechanical room (wiring closet) near the electric service panel for terminations inside a building. A pull box is required for conduit runs having more than two (2) sweeping, ninety (90) degree bends between the Frankfort Plant board Cable/Telecommunication access point and the service demarcation point.

4.04.07 Public Transit Standards

A. All non-residential developments with more than 100,000 square feet of gross floor area shall be required to conform to the following public transit standards:

1. Provide a transit shelter in a location as determined appropriate by the public transit authority, if the location is identified in the long-range plan for transit facilities.

2. Provide a publicly accessible sidewalk from the transit shelter to the principal entrance to the development. The principal entrance for a multi-tenant structure shall be the entrance for the principal tenant, or the tenant with the largest amount of gross floor area.

B. Residential **SUBDIVISIONS** are encouraged, but not required, to construct a multi-purpose pedestrian shelter (s) in common open space areas within in the development to provide a covered waiting area for school children and transit-riders.

4.05.00 EROSION AND SEDIMENTATION

4.05.01 Erosion Control Measures

A. All areas disturbed by grading shall have temporary vegetative cover provided. Such cover shall consist of annual grasses or small grains. Slopes exceeding 4:1 shall have additional protection of mulching and/or seeding to prevent erosion. To protect ditches and other areas from erosion, the following protective measures shall be required for all **SUBDIVISIONS** and **BUILDING SITES**:

Grade of Ditch	Required Protection
Less than 1%	Seed and fertilize entire ditch and slopes.
1% to 5%	Seed, mulch, fertilize and peg invert and sides to top of 2:1 slope.
5% to 7%	Paved invert, and paved slope to six (6) inches above maximum flow depth, with four (4) inch thick reinforced concrete. Seed all other areas not paved in the **RIGHT-OF-WAY**.
All over 10%	Seeded and pave as above, but with alternate side diagonal baffles at about three (3) to four (4) foot on center to retard flow.

B. All seeding and fertilization shall be done in conformance with the guidelines established by the Franklin County Conservation District. During grading, excavation, or construction no erosion, siltation or water impoundment shall occur on any adjoining property as the result of such grading, excavating, or construction activity. If erosion, siltation or water impoundment should occur, the contractor will correct it immediately, to the satisfaction of the applicable **ENGINEERING OFFICIAL.**

Figure 4.7 Illustration of a 4: 1 Slope Ratio

C. Effective sediment control measures shall be incorporated in the planning and construction of Rural Area **SUBDIVISIONS** and sites. A Notice of Intent (NOI) for storm water discharge is required on all construction sites that will disturb one (1) or more acres. The permit shall be obtained from the Division of Water, the Natural Resources and Environmental Protection Cabinet (Division of Water) prior to grading. Practical combinations of the following technical principles shall be applied:

1. The smallest practical area of land shall be exposed at any one (1) time during development.

2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development.

5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

6. The permanent final vegetation and structures shall be installed as soon as practical in the development.

7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.

8. Wherever feasible, natural non-invasive vegetation shall be retained and protected.

4.06.00 DEDICATION OF EASEMENTS

4.06.01 Type, Location and Extent of Easements

Where appropriate and to the fullest extent possible, **EASEMENTS** required by these regulations should be located and of sufficient width and extent as to provide for the installation and ongoing maintenance of the facilities or service installed within the easement, without creating a conflict with the application of other subdivision or zoning regulations. **EASEMENTS** shall be fully indicated on the **RECORD PLAT AND DEVELOPMENT PLAN**

Commentary Pertaining to Section 4.06.01:
The location and extent of easements should be planned to reduce the potential for conflicts with the application of other land development regulations. For example, where required landscape buffers and easements overlap in area with utility easements, coordination between the utility provider, property owner and planning commission will be required in order to accomplish the objectives of both the landscape and utility easements.

A. The **PLANNING COMMISSION** may require, when it deems it necessary to facilitate pedestrian access to community facilities or other nearby streets, perpetual unobstructed **EASEMENTS** at least twelve (12) feet in width. The Commission may require a paved sidewalk for pedestrian safety within such an **EASEMENT.**

B. Where a **SUBDIVISION** borders on a watercourse in an area designated in the **COMPREHENSIVE PLAN** for public recreational use, the **PLANNING COMMISSION** may require easements to be reserved for public access to the water.

C. Where topography or other conditions are such as to make impractical the inclusion of utilities or drainage facilities within **STREET RIGHTS-OF-WAY**, perpetual unobstructed **EASEMENTS** of sufficient width for such utilities shall be provided across property outside the **STREET** lines and with satisfactory access to the **STREET.**

D. Where a **SUBDIVISION** is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water **EASEMENT** or drainage **RIGHT-OF-WAY** conforming substantially with the lines of such watercourse, and such further width as may be deemed necessary by the applicable **ENGINEERING OFFICIAL** to permit the construction of improvements designed to restrict flooding on adjoining properties. Parallel **STREETS** or medians may be required.

4.07.00 COMMUNITY FACILITIES

4.07.01 Reservation of Lands for Community Facilities

The **PLANNING COMMISSION** may require the reservation of lands for community facilities as a condition of preliminary plan or development plan approval. Community facilities for which a reservation of land may be required include community parks, schools, and other public uses. Reservations are subject to the following criteria:

A. The maximum period of time that land shall be reserved, unless voluntarily extended by the property owner, will be two years. This period shall begin with the date that the **RECORD PLAT** containing the reservation is officially recorded by the Clerk of Franklin County.

B. The reservation will be deemed to be extended beyond the two (2) year period if a public agency or organization, such as a Board of Education, has made a bona fide offer for the purchase of the reserved land. The extension will be null and void if the property owner formally rejects the offer.

C. The property owner may elect to voluntarily reserve the lands beyond the two (2) year period, but such reservation shall be made in writing to the **PLANNING COMMISSION**.

Commentary Pertaining to Section 4.07.01
The Kentucky Revised Statutes, Chapter 100.281 (5) provides that subdivision regulations may include "specifications for the extent to which land is to be used for public purposes shall be reserved as a condition precedent to approval by the commission of any subdivision plat." The maximum time period for such reservation is two (2) years.

Part 5

Part 5 Adequate Public Facilities and Services Review

5.01.00 GENERALLY

5.01.01 Purpose

A. An Adequate Public Facilities and Services "APFS" Review shall be required for all **MAJOR SUBDIVISIONS** and **DEVELOPMENT PLANS** identified in this Part. This review shall be conducted concurrently with any **PRELIMINARY PLAT** or **DEVELOPMENT PLAN** review process.

B. The purpose of this review is to determine whether APFS are or will be available to serve the proposed development. The public facilities and services to be included in the review are:

1. **THOROUGHFARES** and **NEIGHBORHOOD STREETS** under the administrative control of Franklin County or the City of Frankfort (Local Roads);

2. **THOROUGHFARES** under the administrative control of the state or federal government (State Roads);

3. Sanitary Sewer/Septic Tanks;

4. Potable Water;

5. Public Schools; and

6. Fire Protection.

5.01.02 Applicability

The following thresholds determine when **MAJOR SUBDIVISIONS** and **DEVELOPMENT PLAN** proposals are not subject to the APFS review requirement. See Figure 1.1 (Part 1) for a geographic description of the Urban, Suburban, and Rural Areas. All other proposals shall be required to satisfy the APFS requirements.

A. Within the Urban Area

1. **MAJOR SUBDIVISIONS** and **BUILDING SITES** within the area of Downtown Frankfort are exempt from the APFS review requirement. Figure 5.1 depicts the physical boundaries for Downtown Frankfort.

2. **MINOR PLATS** are exempt from the APFS review.

3. **MAJOR SUBDIVISIONS** with more than five (5) and less than twenty (20) lots or units, and **DEVELOPMENT** PLANS for non-residential uses of less than 10,000 square feet of gross floor area, are not required to undergo an APFS review.

4. Any **MINOR PLAT** or **DEVELOPMENT PLAN** for a **LOT** or **LOTS** that were part of a **MAJOR SUBDIVISION** or **DEVELOPMENT PLAN** for which an APFS review was completed are exempt from further review.

5. **SUBSTANTIAL RECONSTRUCTION** or redevelopment of existing structures and sites are exempt from APFS review to the extent of the service capacity utilized by the prior land use.

Commentary Pertaining to 5.01.02 (A) (1)
"The goals and objectives of the adopted Comprehensive Plan support redevelopment of downtown Frankfort and actions that provide incentives for new development and reuse of existing structures."

B. Within the Suburban Area

1. **MINOR** plats are exempt from the APFS review requirement.

2. **MAJOR SUBDIVISIONS** with more than five (5) and less than twenty (20) **LOTS or units**, and development plans for non-residential uses of less than 5,000 square feet of gross floor area, are not required to undergo an APFS review.

3. Any **MINOR PLAT** or **DEVELOPMENT PLAN** that were part of a **MAJOR SUBDIVISION** or **DEVELOPMENT PLAN** for which an APFS review was completed are exempt from further review.

4. **SUBSTANTIAL RECONSTRUCTION** or redevelopment of existing structures and sites are exempt from APFS review to the extent of the service requirements of the prior land use.

C. Within the Rural Area

1. **MINOR PLATS** are exempt from the APFS review requirement.

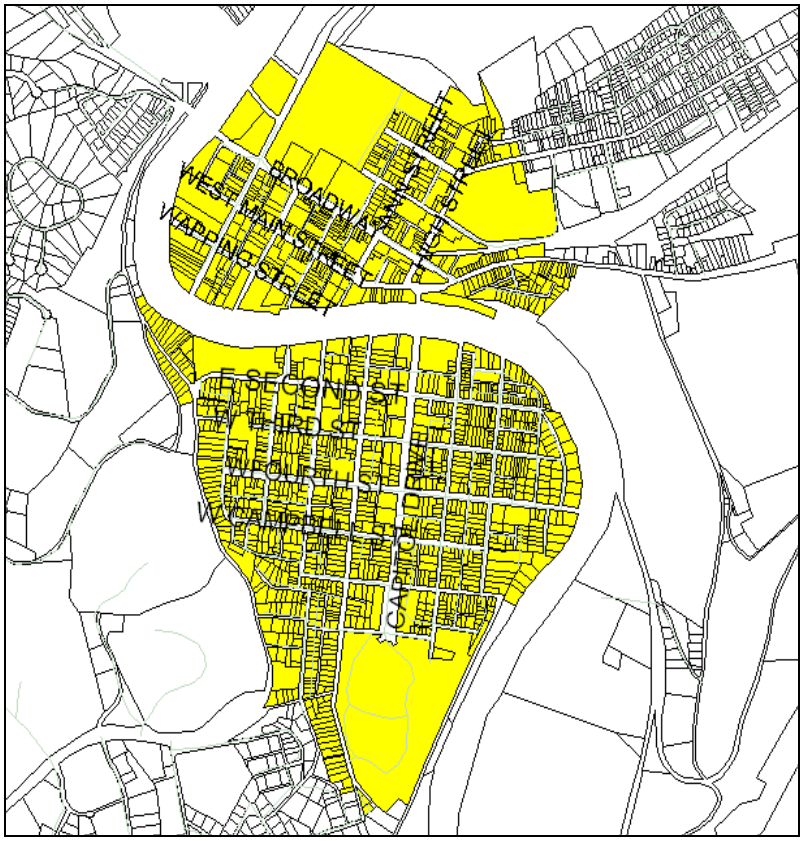
2. **IN-FAMILY CONVEYANCES** are exempt from APFS review.

3. Any **MINOR PLAT** or **DEVELOPMENT PLAN** for a **LOT** or **LOTS** that were part of a **MAJOR SUBDIVISION** or **DEVELOPMENT PLAN** for which an APFS review was completed are exempt from further review.

4. **SUBSTANTIAL RECONSTRUCTION** or redevelopment of existing structures and sites are exempt from APFS review to the extent of the service requirements of the prior land use.

Commentary Pertaining to 5.01.02 (A, B & C)
The purpose of Sections 5.01.02(A5), (B4) and (C4) is to ensure that existing uses receive credit for any public facilities or services used or reserved. This credit can be applied when a structure or site is redeveloped. For example, if an existing small shopping center were redeveloped as a larger commercial center, the APFS review would consider only the facilities and services required to support the increase in use beyond what previously existed on the site.

Figure 5.1
Boundary of Downtown Frankfort (Area shown in yellow color)



5.02.00 THE REVIEW PROCESS

5.02.01 Determining if Services are Available and Adequate

A. The APFS review is not required for proposals that are exempt as determined from Section 5.01.00.

B. The APFS review process consists of two (2) steps.

1. First, the applicant for **SUBDIVISION** or **DEVELOPMENT PLAN** review is required to submit either: a certificate from the applicable facilities and services agency that the service is or will be available and adequate for the **DEVELOPMENT**; or an APFS assessment study that provides all necessary information for the **PLANNING COMMISSION** to determine whether APFS are available to serve the project. The information and analysis requirements for assessment studies are provided in Section 5.03.00.

2. The second step in the review process is for the **PLANNING COMMISSION** to determine whether all APFS applicable for the application are adequate and available to serve the project. The criteria for such a determination are provided in Sections 5.08.06 through 5.08.10.

5.02.02 Submittals

A. Certificates or APFS assessment studies shall be submitted with an application for preliminary **SUBDIVISION** or **SITE PLAN** approval. The **PLANNING DIRECTOR** may determine that a certificate(s) or assessment study is required in conjunction with an application for a zone map amendment or revision to an approved development plan. Certificates for public facilities and services listed in Section 5.01.01 can be obtained from the following agencies:

1. Local Roads – The applicable **ENGINEERING OFFICIAL**.
2. State Roads – The Kentucky Transportation Cabinet/The **PLANNING COMMISSION.**
3. Sanitary Sewer – The City of Frankfort Sewer Department.
4. Septic Tank and other Types of On-Site Sewer Treatments Systems – The Franklin County Board of Health.
5. Potable Water – The Frankfort Plant Board.
6. Public Schools – The Franklin County Board of Education or the applicable Independent School District.
7. Fire Protection – The Frankfort and Franklin County Fire Departments/Districts.

B. Certificates will be effective for one (1) year from the date of issuance unless specifically reauthorized by the applicable agency, or by the approval of the **PLANNING COMMISSION** of an extension to the time required for recording a major plat or issuance of a certificate of completion for the **SITE**.

C. When a **MAJOR SUBDIVISION PLAT** has been recorded or a certificate of completion has been issued in conjunction with a **DEVELOPMENT**, the project will not be subject to further review under the provisions of this Part.

D. The information and analysis requirements for APFS assessment studies are the minimum necessary and the **PLANNING COMMISSION** may impose additional information requirements in order to address special circumstances or the goals and objectives of the **COMPREHENSIVE PLAN**.

5.03.00 ASSESSMENT STUDIES

5.03.01 Local and State Roads

The assessment study for Local or State Roads shall be based on accepted transportation planning and engineering procedures and analytical methods (trip generation, distribution, and assignment). These procedures and methods shall be documented as part of the study. The assessment study shall include the following information for all roadway segments and intersections within the primary impact area:

A. Existing Average Daily Trips ("ADT"), Peak Hour Traffic ("PMT"), and Level of Service ("LOS").

B. Existing traffic for each intersection approach and turning movement and the overall LOS for the intersection.

C. An estimate of existing ADT/PMT traffic, plus traffic from committed development projects/growth in background traffic for the projected build-out year of the proposed **SUBDIVISION** or **DEVELOPMENT PLAN** proposal. The build-out year for the proposal is the year that all units, whether residential, or non-residential are expected to be completed and occupied.

D. The number of project-related ADT and PMT, at project build-out, and the LOS with project-related traffic.

E. An analysis of improvements, including cost, that would mitigate for any roadway segment or intersection where the LOS with existing, committed, and project-related traffic would be less than "D" during the PM Peak Hour.

F. A description of any committed improvement project that would serve to mitigate any identified LOS deficiency identified in Section 5.03.01(E).

G. A "committed" development project (referenced in Section 5.03.01) is one that has received a **PRELIMINARY PLAT, MINOR PLAT, RECORD PLAT**, or **DEVELOPMENT PLAN** approval from the **PLANNING COMMISSION**.

Commentary Pertaining to 5.03.01 (F) and (G)

A "committed" improvement project is any facility or operational improvement that is included in: the City or County's current operating and capital budget; the first five years of an adopted Capital Improvement Program for the City or County; or included in the Kentucky Transportation Cabinet's adopted six (6) year Transportation Improvement Program.

A "committed" development project is any residential, non-residential or mixed-use development that has received record plat (Minor or Major Subdivision), preliminary plan, site plan or building permit approval and the approval has not expired.

H. The "growth in background traffic" (referenced in Section 5.03.01(D)) must be based on verifiable historical growth rates within the primary impact area. Verifiable data can include any recent published transportation plan applicable to the primary impact area, or factors commonly used by the Kentucky Transportation Cabinet.

I. The "primary impact area" for any project is dependent on the total number of ADT generated by the project at build-out. For a project in which the total project related ADT is less than or equal to 2,000, the primary impact area will include all roadway segments providing direct access to the project (primary segments). Where the project related ADT is more than 2000, the primary impact area will be defined as all primary segments as well as the next succeeding segment to all primary segments.

Commentary Pertaining to 5.03.01 (I)
Roadway segments are defined as the roadway sections between three (3) or four (4) approach intersections where the approach may be from a publicly dedicated state or local thoroughfare or street. A private street will be considered as an approach when the intersection is signalized.

5.03.02 Public Schools

The assessment study for Public Schools shall be based on accepted planning procedures and analytical methods relative to Public Schools (elementary, middle, and high schools). The assessment study shall only be required for residential proposals. These procedures and methods shall be documented as part of the study. The assessment shall include the following information:

A. The estimated number of students, by type of school (elementary, middle, and high), that are expected to reside within the proposed **SUBDIVISION** or development plan. This estimate shall be based on a district-wide rate for pupils per household, unless it can be clearly demonstrated that this rate is not applicable because of the characteristics of the proposal.

B. Capacity available in the specific school to which pupils generated by this project would be assigned.

C. The accepted or adopted level of service standard for the district or type of school affected by the proposed **SUBDIVISION** or development plan, and the impact of the proposal on the accepted or adopted level of service.

D. Information items (E) and (F) below will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.

E. An analysis of improvements, including cost, that would mitigate the project-related need to replace, augment, or provide necessary public school facilities and services.

F. A description of any committed improvement project that would serve to mitigate any project related deficiency.

5.03.03 Sanitary Sewer/Septic Tank or Other On-Site System

The assessment study for Sanitary Sewer/Septic Tank services shall be based on accepted planning and engineering procedures and analytical methods relative to Sanitary Sewer service (generation and treatment). These procedures and methods shall be documented as part of the study. The assessment study shall include the following information:

A. Amount of wastewater generated by the proposal when all units and uses, residential or non-residential, are completed and occupied.

B. Capacity available in the system for transmitting wastewater to treatment facility.

C. Capacity available to effectively treat the wastewater flow from the proposed **SUBDIVISION** or development plan.

D. The accepted or adopted level of service standard for wastewater services and facilities affected by the proposed **SUBDIVISION** or development plan, and the impact of the proposal on the accepted or adopted level of service.

E. Information items (F) and (G) below will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.

F. An analysis of improvements, including cost that would mitigate the need to replace, augment, or provide sanitary sewer transmission, pumping, or treatment facilities for the sole purpose of providing service to the proposed **SUBDIVISION** or development plan. Any capacity created by such improvements not necessary to serve the proposed project shall be documented in the assessment.

G. A description of any committed improvement project that would serve to mitigate any service deficiency that would be created by the proposal.

H. For septic tank or other type of on-site sewage disposal system, the applicant shall submit a site evaluation report that has been approved by the Board of Health, indicating the site or sites are suitable for use of the proposed type of on-site sewage disposal system.

5.03.04 Potable Water

The assessment study for **POTABLE WATER** service shall be based on accepted planning and engineering procedures and analytical methods relative to **POTABLE WATER** service (production, treatment, and transmission). These procedures and methods shall be documented as part of the study. The assessment study shall include the following information:

A. Amount of **POTABLE WATER** required for the proposed **SUBDIVISION** or development plan.

B. Capacity available in system for producing and transmitting **POTABLE WATER** to the project site.

C. The accepted or adopted level of service standard for the **POTABLE WATER** services and facilities affected by the proposed **SUBDIVISION** or development plan, and the impact of the proposal on the accepted or adopted level of service.

D. Information items (E) and (F) below will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.

E. An analysis of improvements, including cost, that would mitigate the need to replace, augment, or provide **POTABLE WATER** production, transmission, pumping, or treatment facilities for the sole purpose of providing service to the proposed **SUBDIVISION** or development plan. Any capacity created by such improvements not necessary to serve the proposed project shall be documented in the assessment.

F. A description of any committed improvement project that would serve to mitigate any project related deficiency.

5.03.05 Fire Protection

The assessment study for **FIRE PROTECTION** service shall be based on accepted planning and public safety procedures and analytical methods relative to this type of service. These procedures and methods shall be documented as part of the study. The assessment study shall include the following information:

A. The fire district or station that would serve the proposed subdivision or development plan, the adopted level of service for the district or station area.

B. The current level of service for the district in which the proposed subdivision or development plan is located. Level of service may be defined in terms of minutes of response time to a call for service, and/or availability of adequate water pressure and fire hydrants to provide adequate fire fighting capabilities.

C. Information items (D) and (E) below will not be required if the impact of the proposed project would not cause a decline in the accepted or adopted level of service.

D. An analysis of improvements, including cost, that would mitigate the need to replace, augment, or provide **FIRE PROTECTION** facilities and/or equipment for the sole purpose of providing service to the proposed **SUBDIVISION** or development plan. Any capacity created by such improvements not necessary to serve the proposed project shall be documented in the assessment.

E. A description of any committed improvement project that would serve to mitigate any project related deficiency.

5.04.00 PLAN APPROVALS

5.04.01 Conditions of SUBDIVISION or DEVELOPMENT PLAN Approval

The **PLANNING COMMISSION** shall determine whether the information submitted for any assessment study is complete and if the specific service is adequate to serve the proposed project. The **PLANNING COMMISSION** may establish conditions of approval to ensure that adequate services are maintained, including conditions that require project phasing or funding of necessary improvements. If the Commission conditions a proposal on the provision of funding for an improvement, the condition must be related to and commensurate with the impact of the proposal.

5.04.02 Plan Revisions

Any revision to an approved development plan or **PRELIMINARY PLAT,** that would result in an increase in the services required for the **SUBDIVISION** or **DEVELOPMENT** plan shall require the submission, review, and approval of a new certificate or assessment study based on the revised plan.

A. If the revision would result in an increase in service requirements that is less than or equal to one hundred fifteen (15) percent of the services required for the original proposal, the applicable **PLANNING DIRECTOR** shall be authorized to take Commission action with regard to a determination that the service or services are adequate.

B. A revision that would result in service requirements that are more than one hundred fifteen (115) percent of the original proposal must be reviewed and acted upon by the **PLANNING COMMISSION**.

C. Multiple revisions that would require an increase in service shall be reviewed and acted upon by the **PLANNING COMMISSION** regardless of whether the revisions collectively would exceed the one hundred fifteen (115) percent threshold for **PLANNING COMMISSION** review.

5.04.03 Status of Approval

An APFS determination is non-transferable to lands that were not a part of the proposal for which the determination was made.

A. Any unused portion of an APFS determination or certificate will automatically revert to an "uncommitted" status when it has been determined by the applicable **PLANNING DIRECTOR** that the original **PRELIMINARY PLAT OR DEVELOPMENT PLAN** approval has expired or that the project has been completed and the amount of development actually built is less than what was included in the original and approved proposal.

B. Any residual capacity not utilized for an approved proposal shall not be construed as dedicated to the original applicant or successor in title, or to the land that was subject to the original proposal.

Part
6

Part 6

Requirements for Designation as a Vision 2020 Development

6.01.00 GENERALLY

6.01.01 Purpose

The purpose of this Part is to identify standards that are the basis for designating a **SUBDIVISION** or **DEVELOPMENT PLAN** as a "Vision 2020" **DEVELOPMENT.** This designation represents an optional method for **SUBDIVISION** or **DEVELOPMENT PLAN** design and approval. The choice of this method is at the discretion of the property owner and/or developer. Vision 2020 **DEVELOPMENT** standards are intended to promote high quality **DEVELOPMENT** that incorporates a mixture of uses and housing types, provides open space and recreational opportunities, conserves and protects environmental resources, and promotes pedestrian and bicycle modes of travel.

6.01.02 Relationship to Other Requirements

A. Unless specifically noted otherwise, the alternative design standards and incentives are in addition to the requirements from Part 5 and the applicable Part 2, 3 or 4.

B. Incentives are available for utilizing the alternative design standards. The incentives are intended to carry out the purpose stated above, implement the adopted **COMPREHENSIVE PLAN**, and accommodate innovative methods of community development consistent with the provisions of the Frankfort and Franklin County Zoning Ordinance.

6.01.03 Waiver or Modification of These Standards

The standards and procedures contained herein may not be waived or modified. In order to qualify as a Vision 2020 development, the **SUBDIVISION** or **DEVELOPMENT PLAN** shall comply with all standards and shall fully utilize the incentives provided.

6.01.04 Plat, Development Plan, and Zoning Map Designation

When the **PLANNING COMMISSION** has determined that a proposed Vision 2020 **PRELIMINARY PLAT** or **DEVELOPMENT PLAN** meets all standards identified herein, and has approved the application, the Official Zoning Map shall be amended to depict the Vision 2020 designation for the property. Thereafter, all **RECORD PLATS** and **FINAL DEVELOPMENT PLANS** for the subject property shall carry "Vision 2020 Development" as part of the title.

6.02.00 DESIGN STANDARDS

6.02.01 Mixed Use/Mixed Housing Type Standards

One of the purposes for Vision 2020 projects is to provide a method and incentives for incorporating a mix of **LAND USES** and housing types within **SUBDIVISIONS** and **DEVELOPMENT SITES**. The following standards will implement this purpose:

A. Standards for Mixed Use

1. For Vision 2020 proposals in the Urban Area, mixed use is encouraged but not required.

2. For Vision 2020 proposals in the Suburban Area, mixed use is required for residential projects with more than 200 lots. A minimum of two (2) percent of the land area included in the proposed **SUBDIVISION** or **DEVELOPMENT PLAN** shall be provided for at least three (3) of the non-residential uses listed below.

   a) Professional office.
   b) Convenience retail, excluding any use with drive-in facilities, including pharmacies, groceries, sit-down restaurants, bookstores, and similar uses.
   c) Civic including churches, libraries, community centers, etc.
   d) Personal service establishments such as banks, dry cleaners, photocopy, printing, and similar uses.
   e) Child day care or adult day care.

B. Standards for Mixed Housing Types

1. A Vision 2020 proposal located in the Urban Area is encouraged to provide at least twenty-five (25) dwelling units comprised of two (2) housing types identified in Section 6.02.01(B)(3).

2. A Vision 2020 proposal within the Suburban and Rural Areas shall include a minimum of fifty (50) dwelling units comprised of at least two (2) housing types identified in Section 6.02.01(B)(3).

3. Housing types that are eligible include: single-family detached, single-family detached zero-lot line, single-family attached townhouse, duplex, triplex, multi-family four-plex, multifamily eight-plex, multi-family low-rise, multi-family high-rise, and condominium.

4. No more than eighty (80) percent of the total number of residential units shall be provided as the primary housing type, with the remainder of the units provided as the second housing type.

6.02.02 Environmental Design Standards

One of the stated purposes for Vision 2020 projects is to encourage the preservation of environmental and historic/cultural resources as part of the planning and **DEVELOPMENT** process for **SUBDIVISIONS** and **DEVELOPMENT PLANS**. This purpose will be accomplished through the following standards:

A. Standards for Environmental Preservation and Protection

1. Existing **STREAM CORRIDORS** and **WETLANDS** shall be preserved in their entirety, and a fifty (50) foot buffer shall be created adjacent to each stream corridor and wetland. The **NORMAL HIGH WATER ELEVATION** shall determine the point from which the required buffer is measured.

2. Land within the buffer area shall be maintained in a natural state and may be supplemented with native landscape material that would serve to improve the area as a habitat for wildlife. In addition, invasive landscape material that is not native to the stream corridor or wetland is required to be removed.

3. A permanent **CONSERVATION EASEMENT** shall be dedicated to the public for all lands within protected stream corridors, wetlands, and associated buffers.

B. Standards for Historic and Cultural Resource Preservation and Protection

1. Historic or culturally significant sites, structures, or resources identified as such by the City, County, or **PLANNING COMMISSION** shall be preserved and protected.

2. Historic or culturally significant lands shall not be included in any **LOT** or **BUILDING SITE** designated for a future use. The **DEVELOPMENT** rights associated with such lands may be conserved, by preservation easement, through an agency or organization as approved by the **PLANNING COMMISSION.**

3. The historic or culturally significant site or sites shall be incorporated in the **SUBDIVISION** or **DEVELOPMENT** plan in such a way that public access to the site is either created or maintained and that adjoining development will not adversely impact the viability of the site as an historic or culturally significant resource.

6.02.03 Architectural Design Standards

Reserved

6.02.04 Transportation Design Standards

One of the purposes for Vision 2020 proposals is to encourage the use of alternative modes of travel and improved street connectivity as part of the planning and **DEVELOPMENT** process for **SUBDIVISIONS** and **DEVELOPMENT PLANS**. This purpose will be accomplished through the following standards:

A. Standards for Site Design that Enhance the Use of Alternative Modes of Travel

1. **SUBDIVISIONS** and **DEVELOPMENT PLANS** shall be designed to incorporate on-site bicycle and pedestrian facilities that serve to connect off-site bicycle and pedestrian facilities that connect public schools, shopping areas, and workplaces.

2. Pedestrian and bicycle access to on-site shopping, workplace, and civic uses shall be incorporated into the overall **SUBDIVISION** or **DEVELOPMENT PLAN**.

3. Pedestrian connections shall be provided from the **THOROUGHFARE** or **NEIGHBORHOOD STREET** system to the principal entrance(s) of shopping, workplace, and **CIVIC USES** within the **SUBDIVISION** or **DEVELOPMENT SITE**.

B. Standards for Improved Street Connectivity

1. All **STREETS** within the **SUBDIVISION** or **DEVELOPMENT PLAN** shall be connected and there shall be no dead-end or **CUL-DE-SAC STREETS** permitted, except to provide for connection to adjoining undeveloped properties.

6.03.00 INCENTIVES FOR VISION 2020 PROPOSALS

6.03.01 Lot Design Incentives

In order to facilitate the implementation of Vision 2020 goals and the standards referenced in this Part, the following incentives shall be available and utilized for all Vision 2020 **SUBDIVISIONS** and **DEVELOPMENT** plans.

A. The minimum **LOT** area required by the applicable zoning districts may be reduced up to fifty (50) percent. However, the maximum gross density of the applicable zoning district(s) shall not be exceeded through use of this **LOT AREA** reduction. This incentive will provide for a more efficient utilization of land within the **SUBDIVISION** or site and assist in creating a more compact **DEVELOPMENT** and efficient layout of public utilities.

1. A minimum of fifty (50) percent of the area created through the reduction in the minimum **LOT** area shall be incorporated in the **SUBDIVISION** or **SITE DESIGN** as publicly accessible open space. These lands shall be permanently preserved through an easement or fee simple dedication to an agency or organization as approved or designated by the **PLANNING COMMISSION**.

2. The remainder of site area created through the permitted reduction in **LOT AREA** and not part of the area required to be publicly accessible under (A1) above, shall be preserved as open space.

3. Lands that will be protected by other standards contained in this Part may constitute up to one-half (1/2) of the area preserved as publicly accessible open space.

B. Up to one (1) additional accessory dwelling unit per gross acre of site area may be permitted and incorporated in the **SUBDIVISION** or **DEVELOPMENT PLAN** for the sole purpose of creating affordable housing.

1. Affordable housing units may accessory dwelling units. The definition of affordable housing unit shall be determined and established annually by the **PLANNING COMMISSION.**

2. Affordable units shall be designated on the **SUBDIVISION** or **DEVELOPMENT PLAN** and shall be constructed within two (2) years of issuance of a certificate of completion for the **SUBDIVISION** or site public infrastructure.

3. Within the first five (5) calendar years following the issuance of a certificate of occupancy for an affordable housing unit, the selling price shall be limited to the base cost of the unit plus two (2) percent per year. After the first five (5) year period, there will be no limitation the selling price of the affordable unit.

6.03.02 Use Incentives

In order to facilitate the implementation of Vision 2020 goals and the standards referenced in this Part, the following incentives shall be available and utilized for all Vision 2020 **SUBDIVISIONS** and **DEVELOPMENT PLAN** proposals.

A. Residential and non-residential uses required for approval of a Vision 2020 proposal shall be permitted, subject to the standards of this Part.

B. Where lands within a Vision 2020 proposal are dedicated by fee simple title and without cost for public use for facilities such as schools, community parks, police or fire stations, or libraries, the subdivider or property owner shall be entitled to a transfer of residential density. The maximum number of residential units that can be transferred to another part of the same site shall be calculated based on the size of the parcel to be dedicated, in acres, and the maximum density permitted by the applicable zoning district.

6.04.00 REVIEW AND APPROVAL PROCEDURES FOR VISION 2020 PROPOSALS

6.04.01 Requirements

The review and approval of Vision 2020 proposals shall be the same as for any **SUBDIVISION** or **DEVELOPMENT PLAN** and will conform to the requirements of Part 7 Administrative Procedures.

Part 7

Part 7 Administrative Procedures

7.01.00 GENERALLY

7.01.01 Purpose

The purpose of this Part is to provide all of the administrative procedures for the submittal and formal review of applications for **MAJOR** and **MINOR SUBDIVISIONS**, **DEVELOPMENT PLANS**, **CONSTRUCTION PLANS**, modification of non-dimensional standards, and variances from dimensional standards.

7.01.02 Relationship to Other Requirements

The requirements of this Part are in addition to the requirements of the adopted Zoning Ordinance as well as the Building Code of Frankfort and Franklin County. Where the standards and requirements of this Part are in conflict with the requirements and standards of the Zoning Ordinance or Building Code, the most restrictive standard will take precedence.

7.02.00 BOARDS AND AGENCIES

7.02.01 Elected Bodies

The City of Frankfort Commission and the Franklin County Fiscal Court are the legislative members of the Joint Planning Unit designated pursuant to KRS 100.113.

7.02.02 Planning Commission

Pursuant to Chapter 100.121 of the Kentucky Revised Statutes, a Joint Planning Unit has been established for Franklin County, and the City of Frankfort. The Agreement establishing the planning unit is contained in the Appendix. The Agreement authorizes the legislative authorities to establish a **PLANNING COMMISSION** consistent with the provisions of KRS 100.133. An eleven member **FRANKFORT AND FRANKLIN COUNTY PLANNING COMMISSION** has been established. The **PLANNING COMMISSION** operates under a set of adopted bylaws relating to its specific functions, procedures and policies.

7.02.03 Technical Review Team

There is hereby established a **TECHNICAL REVIEW TEAM**. The word "Team" when used in this Part shall be construed to mean the **TECHNICAL REVIEW TEAM**. The structure, membership, and duties will be established and may be modified by the **PLANNING COMMISSION**. The composition of the Committee is described below.

A. The Team shall be composed of a Core Group and an Advisory Group representing departments and agencies responsible for reviewing land development proposals, including but not limited to the following:

1. Core Members – Frankfort Planning and Building Codes Department, Franklin County Planning and Building Codes Department, Frankfort Plant Board, Frankfort Sewer Department, Frankfort and Franklin County Engineers, Franklin County Board of Health, Frankfort and Franklin County Fire Departments, Franklin County Sheriff's Department, Frankfort Police Department, Franklin County Board of Education, Other Utility Providers.

2. Advisory Members - Kentucky Department of Transportation, Frankfort Historic Preservation/Architectural Review Board, Frankfort Main Street Organization, the City Arborist, and the Kentucky Division of Water.

3. Officers and Committees – The Co-Chairpersons of the Team shall be the **PLANNING DIRECTORS** of Frankfort and Franklin County Planning and Building Codes Departments.

Commentary
The Technical Review Team (TRT) is an important part of the development review process. As a group, the TRT members ensure that development proposals comply with existing regulations, utilities and public services are addressed, and the interests of the community are considered. When development plans (subdivision or site) are finally approved, the job of the TRT is completed and the responsibility for oversight of the construction process is transferred to the Construction Review Team.

B. The Team may review applications and make recommendations to appropriate reviewing authorities or take final action regarding approval, denial and, where applicable, conditions and safeguards to be placed upon the approval of applications including, but not limited to the following:

1. Preliminary **SUBDIVISION PLATS**;
2. Review and Recommendation Only (to **PLANNING COMMISSION**) for Conditional Uses (when subject to review by the **PLANNING COMMISSION** under the provision of KRS 100.202);
3. **DEVELOPMENT PLANS**;
4. Street Abandonment and Street Name Changes; and
5. Other Applications Referred to the Team by the **PLANNING DIRECTOR** or **ENGINEERING OFFICIAL** only when the **PLANNING COMMISSION** has specifically authorized the **PLANNING DIRECTOR** or **ENGINEERING OFFICIAL** to forward the specific application to the TRT.

C. The authority of the Team to take final action regarding approval, approval with conditions or denial of an application is limited to strict conformity with the regulations established by the Chapter. In cases where such conformity is unclear due to the nature of proposal or the application of the standards/requirements contained herein, the application should be referred to the **PLANNING COMMISSION** for review and action.

7.02.04 Construction Review Team

There is hereby established a **CONSTRUCTION REVIEW TEAM** comprised of the **PLANNING DIRECTORS** or their designees, a representative of the Frankfort Plant Board, representative(s) of other utility providers, a representative of the Frankfort Sewer Department, and the City and County **ENGINEERING OFFICIALS.**

A. The role and responsibility of the **CONSTRUCTION REVIEW TEAM** shall be to review applications and make recommendations to appropriate reviewing authorities regarding approval, denial and, where applicable, conditions and safeguards to be placed upon the approval of applications required by these regulations including, but not limited to the following:

1. **RECORD PLATS**;
2. **CONSTRUCTION DRAWINGS**;
3. **PERFORMANCE GUARANTEES;** and
4. Defect Security.

B. The **CONSTRUCTION REVIEW TEAM** shall also be responsible for the organization, coordination and management of the construction review, testing and certification process for public improvements associated with any of the types of applications referenced in (A) above.

C. The **ENGINEERING OFFICIALS** for the City and County shall be the permanent chairperson's of the CRT.

Commentary
The Construction Review Team (CRT) is similar in function to the Technical Review Team, except that its responsibilities begin with the submittal of plans that involve the construction of public improvements. Its' responsibilities also involve oversight of the construction process, including review, approval and release of performance bonds and instruments.

7.02.05 Planning Directors and Engineering Officials

It shall be the duty of the Frankfort and Franklin County **PLANNING DIRECTORS**, in coordination with the Frankfort and Franklin County **ENGINEERING OFFICIALS**, to serve as the principal administrative officials for the implementation of the regulations and procedures contained in this Chapter. However, the applicable **ENGINEERING OFFICIAL**, in coordination with the **PLANNING DIRECTORS**, will serve as the principal administrative officials relative to the review, approval, inspection, coordination and other administrative duties associated with construction plans and performance guarantees.

A. In the performance of his or her duties, the **PLANNING DIRECTOR/ENGINEERING OFFICIAL** may request and shall be provided with assistance of such other persons as the City Commission or Fiscal Court may direct. The **PLANNING DIRECTOR/ENGINEERING OFFICIAL** is authorized to act through designated aides and assistants.

B. The **PLANNING DIRECTOR/ENGINEERING OFFICIAL** shall order inspections of property in an effort to obtain information relating to violations and in other instances where inspections are necessary in order to insure compliance with regulations contained in this Chapter.

C. The **PLANNING DIRECTOR/ENGINEERING OFFICIAL**, in the performance of his or her duties, may enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.

D. The **PLANNING DIRECTOR/ENGINEERING OFFICIAL** shall order prompt investigation of complaints and violations, and shall endeavor to prevent violations or detect and secure the corrections of violations. He or she shall also initiate lawful action necessary to insure compliance with or prevent violation of regulations contained in this Chapter.

E. The **PLANNING DIRECTOR/ENGINEERING OFFICIAL** shall maintain written records of all official actions with relation to administration, and of all complaints and actions taken with regard thereto, and of all violations discovered by whatever means, with remedial action taken and disposition of all cases; and the same shall be a public record. The **PLANNING DIRECTOR** and **ENGINEERING OFFICIAL** shall insure that a copy of the written records for which they are responsible are made available to each other.

F. The **PLANNING DIRECTORS** shall ensure that copies of this Chapter are available to the public through multiple methods, which may include paper copies, computer disks, and files, that may be downloaded from a city or county website.

7.03.00 SKETCH PLAN REVIEW

7.03.01 Applicability

A. Prior to formal application for a **PRELIMINARY SUBDIVISION** Plat, **MINOR SUBDIVISION** Plat or **DEVELOPMENT PLAN** review, the applicant may present for discussion a sketch plan depicting the proposed site and elements of the plan of development then known. The applicant or property owner or their agent, or the **PLANNING DIRECTOR**, may request a conference to discuss the information and review requirements of the Commission and other public agencies, the improvements and uses of the **SUBDIVISION** or **DEVELOPMENT** Plan and any potential problems involved in the proposal. This conference may be with Commission staff, the **TECHNICAL REVIEW TEAM** or the **PLANNING COMMISSION**. Any part of the pre-application conference shall be non-binding on all parties involved.

B. For this review, the Applicant shall contact the **PLANNING DIRECTOR** to set a meeting date to discuss intentions as they relate to the sketch plan review. The pre-application meeting does not require formal application/fee.

7.04.00 APPLICATION SUBMITTAL REQUIREMENTS

7.04.01 Submittal Requirements for Preliminary Plat Review

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **PLANNING DIRECTOR** is authorized to waive information requirements when deemed appropriate.

Commentary
A space for a staff signature should be placed on the application form for Preliminary Subdivision Plan Review to indicate that either: a pre-application meeting has been held with Planning Director (or designee) to discuss application submittal requirements; a formal Sketch Plan review has been completed (per 7.03.00); or that the applicant has previously submitted such applications and is familiar with the requirements. However, no application that omits required submittal data should be accepted without a staff signature to indicate that the Planning Director has agreed to waive the submittal of specific data, including the reasons therefore.

A. General Information

1. Number of Copies: As determined by the **PLANNING DIRECTOR**. The applicant shall also submit the Preliminary Plat (inclusive of all application materials) in digital form and format determined by the **PLANNING DIRECTOR**. The **ENGINEERING OFFICIAL** or Surveyor shall also certify that the coordinate geometry of the survey has been checked and found to close.

2. Legend, including:

a. Name of the **SUBDIVISION** which shall not duplicate or closely approximate the name of any other **SUBDIVISION**;
b. Legal description of the property (may be submitted on a separate sheet with the application form);
c. Acreage of the property;
d. Scale (Not more than 1" = 100');
e. North Arrow;
f. Existing zoning on the property, including any overlay districts;
g. Number of **LOTS** proposed (for **SUBDIVISIONS**); and
h. Date of preparation and space for revision dates.

3. All Preliminary **SUBDIVISION** plats shall give reference to and be tied to at least two (2) Frankfort Plant Board Geographic Information System monuments. The preliminary plat shall show said monuments described with name, number and State Plane Coordinate Values, and its bearing structure must be based on the State Plane Coordinate system from the information provided by these monuments.

4. A Vicinity Map

5. Name, Address, Phone Number and Email Address of:

a. Property Owner(s);
b. Developer(s) or Subdivider(s);
c. Engineer(s);
d. Surveyor(s);
e. Architect(s) or Landscape Architect(s); and
f. Agent(s) of property owner or others involved in the proposal.

6. Information about abutting lands, including:

a. Names of abutting **SUBDIVISIONS**; and
b. Names of Recorded Owners of all abutting **LOTS** and parcels, including addresses.

B. Existing Conditions

1. Existing **STREETS**, both on and within 500 feet of the proposed **SUBDIVISION**, including:

a. **STREET** Names;
b. Location of each **STREET;**
c. **RIGHT-OF-WAY** and paving width (inclusive of curbs/gutters of all **STREETS**;
d. Driveway Approach locations and proximity to proposed **SUBDIVISION** entrance(s);
e. Sidewalk locations;
f. Median locations; and
g. Any other improvements in the **RIGHT-OF-WAY**.

2. Existing **LOT** lines and easements on the property, indicating the purpose of each easement.

3. Existing utility and drainage infrastructure, including , but not limited to, the location and size of:
   a. Sanitary Sewers;
   b. Storm Sewers;
   c. Culverts;
   d. Water Mains; and
   e. Fire Hydrants (within 500 feet of every boundary of the site).
   f. Utility poles, overhead power lines, gas lines, cable & phone equipment, pad mount transformers, junctions, and switches.

4. Existing buildings, structures, railroads, cemeteries, urban service boundaries, scenic corridor boundaries, governmental boundaries and emergency service district boundaries on or abutting the property. Any buildings, structures, or land areas that have been designated as local landmarks, or are listed on the National Register of Historic Places, should be specifically noted.

5. A topographic map showing existing contours at two- foot intervals, where data is available from the Frankfort Plant Board Geographic Information System,, or at five-foot intervals where two (2) foot contour data is not available. Contour lines shall be shown 100 feet beyond the subdivision boundary at ten-foot intervals.

6. A soils report showing subsurface soil, rock and groundwater conditions, and including:

   a. Soil classifications as identified by the U.S.D.A. Soil Conservation Service;
   b. Letter of written recommendation as to load bearing capacity and suitability for development prepared by a licensed civic engineer based on soil test(s); and
   c. If individual wells and/or septic tanks are proposed, show location and results of soil percolation tests in accordance with the specifications of the State and County Department of Health. Due regard shall be given to the effects of cut and fill which may make such data obsolete. Anticipated areas of **CUT AND FILL** shall be noted upon the plan.

7. The 100-year flood elevation, minimum habitable floor elevation and limits of the 100-year floodplain and floodway (if applicable).

8. A surface drainage report showing direction and flow and methods of storm water retention and detention.

9. Existing surface water bodies, wetlands, streams and canals, both on and within 50 feet of the proposed **SUBDIVISION**, including:
   a. Normal high water elevation or boundary;
   b. Attendant drainage areas for each; and
   c. Area, extent and type of wetlands

10. A tree and woodlands survey.

11. Existing designated historic sites, structures or resources.

C. Proposed Development

1. **LOT** or site layout, including:
   a. **LOT** lines;
   b. Scaled dimensions;
   c. **LOT** numbers, and **BLOCK** numbers where applicable;
   d. **BUILDING PLACEMENT LINES**, scaled for each **LOT**;
   e. Type of intended use for each **LOT** or site;
   f. Tracts to be held in common ownership for such purposes as recreation, storm water management, conservation, recreation/open space or other public use;

2. Proposed **STREET** System or Access Requirements, including:
   a. **STREET** names;
   b. Location and type of each **STREET** and/or site access location (include all **STREETS** shown on the adopted Transportation Plan - Major Thoroughfare System);
   c. **RIGHT-OF-WAY** width for each **STREET**;
   d. Sidewalk locations;
   e. Median locations;
   f. Approximate elevations at the centerline of the **STREET** shall be shown at the beginning and end of each **STREET,** and at **STREET** intersections;
   g. Any other proposed improvements in the **RIGHTS-OF-WAY**; and
   h. All roadway grades including details of vertical and horizontal curb radius.

3. Location and scaled dimensions of all parcels of land proposed for public uses other than **STREETS**, including:
   a. Easements for drainage, utilities, storm water management, pedestrian pathways, sidewalks, bike paths, parks/open space, etc.; and
   b. Land dedications for parks/open space, schools, public facilities, storm water management, etc.

4. Proposed utility and drainage infrastructure, including the location of:
   a. Sanitary sewers;
   b. Storm water management facilities;
   c. Culverts;
   d. Water mains;
   e. Fire hydrants; and
   f. Electric, gas, telephone, cable, and other utilities and easements.

5. The nature, location and scaled dimension of any buffer or transition areas.

6. Proposed provision of fire protection, street lighting, street signs and other proposed improvements or services.

7. A preliminary tree protection, streetscape, and open space plan. This plan may also include any measures for the preservation and protection of historic sites, buildings, structures or resources.

8. Information concerning any private street(s) proposed to be included in the development (when approved by a modification of standards by the Planning Commission), including:

   a. Copy of **DEED** or legal instrument that grants or provides the legal right to use the private **STREET** to property owners within the **SUBDIVISION**; and
   b. Copy of written notification to be provided at time of sale to all property owners having beneficial use of the private **STREET,** concerning their responsibilities in maintaining the **STREET** in safe operating condition.

9. A paving, grading, drainage plan.

10. An erosion and sedimentation control plan.

11. The location and extent of areas within and abutting the site with topographic slopes of 12-18% and 18.01% or greater shown in a manner to be distinguishable from one another.

12. Gross and net acreage, density expressed as units per acre or non-residential intensity expressed as a **FLOOR AREA RATIO**.

7.04.02 Submittal Requirements for Record Plat

A. The original mylar **RECORD PLAT** with four (4) paper copies and one (1) CD-ROM (or equal) of all **RECORD PLAT** information in digital form according to specifications provided by the **PLANNING DIRECTOR** and prepared and certified by a **LAND SURVEYOR**. If more than one sheet is required, a key plat shall be shown on all sheets. No sheet of the **RECORD PLAT** may exceed 17 inches by 22 inches unless the County Clerk has agreed in writing to record it, if approved by the **PLANNING DIRECTOR**. A two-inch by three-inch space shall be reserved in the lower left hand corner for the County Clerk's stamp. All distances and angles shall be drawn large enough to be legible after photo-reduction of the plat by 50%.

Commentary pertaining to 7.04.02
If zoning information for the subject property or any abutting property is shown on the Record Plat, the following language should be included on the face of the Plat:. "The zoning district information depicted on this Record Plat was accurate as of the date of approval and execution by the Planning Commission. However, such information is subject to change and should be verified with the appropriate authority."

B. The **RECORD PLAT** shall be in conformance with the approved Preliminary Plat, depicting the following information and utilizing the same graphic lines and symbols as utilized for the Preliminary Plat.

   1. The boundaries of the property including all bearings and dimensions as determined by an accurate survey in the field, the name(s) of property owner(s) and the tax block(s) and **LOT** number(s) for all parcels contained within the boundaries of the proposed **SUBDIVISION** as identified from Property Valuation Administrator's current maps and records.

   2. The names and widths of all adjoining **STREETS** and easements, a stub property line approximating the location of intersecting boundaries of all adjoining properties and the ownership of all adjoining properties. An owner's name and a deed book and page number or an owner's name and plat book and page number shall identify ownership.

3. Lot numbers, lot lines, appropriate **BUILDING PLACEMENT OR SETBACK LINES**, all fully dimensioned, bearings and distances of non-parallel lot lines, and square footage of each **LOT.**

4. The location, description and coordinate values of all permanent monuments set at all points of change in direction of all exterior boundary lines. All monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the **LOTS** or **STREETS** in the **SUBDIVISION** correctly by referring to the plat alone without any additional information.

5. The limits of the 100-year floodplain and floodway, if any, and the applicable map numbers.

6. A key map, showing the relative location of the proposed **SUBDIVISION** to the nearest existing Major Thoroughfare intersection.

7. Landscape buffer areas, conservation easements, tree protection areas and any other area to be set aside or dedicated pursuant to these regulations or by conditions of approval of the Preliminary Plat.

8. A title block, in the lower right hand corner of the plat depicting the title of the **SUBDIVISION,** the name and address of the owner, the name and address of the **SUBDIVIDER** or developer, the name and address of the land surveyor preparing the plat, the date of preparation, and the scale.

9. Deed book and page number of the deed of restrictions applicable to the **SUBDIVISION**, if any.

C. The **RECORD PLAT** shall also contain the following certificates or notices in a form or format as specified by the **PLANNING DIRECTOR**;

1. A certificate of ownership and dedication, and an accompanying certificate of acknowledgment;

2. A land surveyor's certificate;
3. Certificates of reservation;
4. A certificate of approval;
5. Notice of the Property Owner's obligation with the following language:

   "Property Owner's Obligation

   Certain improvements in this subdivision are required by the Subdivision Regulations as specified by an approved construction plan on file in the office of the Engineering Official. It is the obligation of every property owner in the subdivision not to damage, alter or destroy those improvements and not to allow any condition or activity on his property that will impair the proper functioning of those improvements. For violation of this provision, the property shall be subject to the imposition of a lien for the amount necessary to remedy the violation that may be enforced in the same manner that mortgages are enforced, and persons responsible shall be subject to fine."

6. Notice of Bond Requirement with the following language; and

   "Notice of Performance Guarantee Requirement

   After construction approval and release of the subdivider's bond, the owner of any lot may be required to post a performance guarantee as a condition of obtaining a building permit."

7. Notice of the builder's obligation with the following language.

   "Builders Obligation

   The builder of each lot in this subdivision is required to grade the lot so that cross-lot drainage is in conformance with the approved Drainage Plan for the subdivision and all drainage from the lot is directed to a public drainage facility in easement or right-of-way."

7.04.03 Submittal Requirements for Construction Plans/Drawings

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **CONSTRUCTION REVIEW TEAM AND/OR ENGINEERING OFFICIAL** shall be authorized to waive individual informational requirements where deemed appropriate and the number of copies of the **CONSTRUCTION PLAN** package shall be as determined by the **ENGINEERING OFFICIAL**. The **CONSTRUCTION PLAN** package shall include, at a minimum, the following information relative to all improvements to be constructed for public use and/or maintenance:

A. Cover Sheet(s) – General Information
   1. Legend, including:
      a. Name of the **SUBDIVISION** which shall not duplicate or closely approximate the name of any other **SUBDIVISION**;
      b. Legal description of the property (may be submitted on a separate sheet with the application form);
      c. Acreage of the property;
      d. Scale (Not more than 1" = 100');
      e. North Arrow;
      f. Date of preparation and space for revision dates;
      g. Vicinity Map; and
      h. Name, Address, Phone Number and Email Address of Property Owner(s); Developer(s) or Subdivider(s); Engineer(s); Surveyor(s); Architect(s) or Landscape Architect(s); and Agent(s) of property owner or others involved in the proposal.

B. Cover Sheet(s) – Project Approval Information – A separate sheet shall be provided that contains a depiction of the **RECORD PLAT, MINOR PLAT**, **SITE PLAN OR DEVELOPMENT PLAN** that is the basis for the **CONSTRUCTION PLAN** package and has been approved by the **PLANNING COMMISSION** or its designee. In addition, all conditions of approval and a listing of the permits required to construct the improvements shall be shown on the same sheet.

C. Paving, Grading and Drainage Construction Plan Sheet(s) – A separate sheet or sheets shall be included to fully depict all planned improvements, construction details, cross-sections and elevations, construction specifications, and other information necessary for the **ENGINEERING OFFICIAL** to determine that the proposed plans comply with all requirements of this Chapter, the Zoning Ordinance and other applicable ordinances and design criteria of the City of Frankfort and/or Franklin County.

D. Utilities Construction Plan Sheet(s) – A separate sheet or sheets shall be included to fully depict all planned utility improvements, including electric, gas, sewer, potable water, telephone, cable, and other utilities as may be applicable. Construction details, cross sections and elevations, specifications and other information necessary for the **ENGINEERING OFFICIAL** to determine that the proposed plans comply with all requirements of this Chapter, the Zoning Ordinance and other applicable ordinances

and design criteria of the City of Frankfort and/or Franklin County, the Frankfort Plan Board or any other utility to place improvements within the property affected by the **CONSTRUCTION PLAN** package.

E. Streetscape, Landscape and Tree Protection Plan Sheet(s) – A separate sheet or sheets shall be included to fully depict all planned street trees, landscape and hardscape improvements or protection measures within the area of the public improvements. Hardscape elements would include such items as fountains, water features, plaza's, civic structures, recreational facilities and similar features. Construction and installation details, cross-section, specifications, and other information necessary for the **ENGINEERING OFFICIAL** and/or the applicable **PLANNING DIRECTOR** to determine that the proposed plans comply with all requirements of this Chapter, the Zoning Ordinance and other applicable ordinances and design criteria of the City of Frankfort and/or Franklin County.

F. Erosion and Sedimentation Control Plan Sheet(s) – A separate sheet or sheets shall be included to fully depict all required and provided erosion and sedimentation control measures that will be employed during construction of the public improvements.

G. Other Plans and information not addressed in A-F above. Such plans may include Maintenance of Traffic, Construction Plans for Off-Site Improvements, Site Evaluations related to the use of on-site sewer treatment systems, Geotechnical and/or Structural Engineer Reports, Evaluations and Engineering data related to the presence of sinkholes, springs, steep slopes or other natural features of the site. Environmental analyses and permit applications may also be required where construction is proposed in wetlands, floodplains and floodways, or areas determined to contain threatened or endangered wildlife.

7.04.04 Submittal Requirements for Minor Plats (and In-Family Conveyances)

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **PLANNING DIRECTOR** shall be authorized to waive these informational requirements where deemed appropriate.

A. All information requirements contained in Section 7.04.02 as applicable.

B. Boundaries of property being subdivided and of all resulting **LOTS** showing all bearings or interior angles and distances as determined by an accurate survey in the field. All bearings and distances on the perimeter of the entire site shall follow in order. All resulting **LOTS** shall bear a tract or **LOT** enumeration.

C. The location and description of all permanent monuments set at all points of change in direction of all boundary lines of all **LOTS**. Monuments shown shall be interconnected and dimensioned so that any registered land surveyor can lay out the **LOTS** in the **MINOR SUBDIVISION** correctly by referring to the plat alone without any additional information.

D. The plat shall include a certificate of ownership and dedication, a certificate of acknowledgement, a **LAND SURVEYOR'S** certificate, a certificate of approval, a zoning conformance certificate, certificates reserving easements for utilities if applicable, residual land certificates if applicable, certificates of sewer extension if applicable, and a recorder's certificate reserved for the County Clerk. The **PLANNING DIRECTOR** and the Commission's legal counsel shall determine the form and content of all certificates. The **LAND SURVEYOR'S** signature and seal on the plat shall apply to all certificates and/or statements (except the Certificate of Approval) on the face of the plat.

E. For **MINOR PLATS** of Consolidation the parcel to be transferred shall be labeled as Parcel 1; the recipient parcel as Parcel 2; and the remaining portion of the original parcel after consolidation shall be labeled as Parcel 3. The acreage and/or square footage of each parcel shall be shown. A notation shall be added, "Parcel 1 shall be sold or transferred only to Parcel 2 for consolidation purposes". For multiple consolidations, the developer shall consult with the **PLANNING DIRECTOR** to determine appropriate parcel labeling and the wording of consolidation note(s).

F. For Minor Amendments to Existing Plats - All minor amended **SUBDIVISION PLATS** shall contain a note identifying the specific amendment(s) and its' purpose. Only such changes as are contained in this note shall be considered as approved. **LOT** layout information shall be as required for the original final plan. Additional requirements specific to each plan type shall be as follow: Easement Minor Amendment - the developer shall be required to submit a written statement from a properly designated representative of any beneficiary of the easement proposed to be modified stating that the beneficiary approves of the addition, release or modification being made.

7.04.05 Submittal Requirements for Development Plan Approval

The following information shall be provided in graphic or written form, as necessary to satisfy the requirements. The **PLANNING DIRECTOR** shall be authorized to waive these informational requirements where deemed appropriate. These submittal requirements are applicable for any platted lot or tract that is proposed for one or more **DEVELOPMENT** or **BUILDING SITES** involving residential, commercial or mixed uses for which a **BUILDING PERMIT** is required. (See Article 5 of the Zoning Ordinance for plans required in association with a zone map amendment application.) This Development Plan submittal requirement does not apply to individual single family or duplex dwelling units on platted lots, or for multi family developments up to and including 20 dwelling units. (Condominium projects of more than 20 units are required to file a Development Plan.)

A. General Information

1. Number of Copies: As determined by the **PLANNING DIRECTOR**. The applicant shall also submit the **DEVELOPMENT PLAN** (inclusive of all application materials) in digital form and format determined by the **PLANNING DIRECTOR**. The applicant shall also certify that the coordinate geometry of the survey has been checked and found to close.

2. Legend, including:
   a. Name of proposed development;
   b. Legal description of the property;
   c. Acreage of the property;
   d. Scale (Not more than 1" = 100');
   e. North Arrow;
   f. Existing zoning on the property, including any overlay districts (see Commentary section on Page 7-9);
   g. Number of **DEVELOPMENT** and/or **BUILDING SITES** proposed; and
   h. Date of preparation and space for revision dates.

3. Name, Address, Phone Number and Email Address of:
   a. Property Owner(s);
   b. Developer(s);
   c. Engineer(s);
   d. Surveyor(s);
   e. Architect(s) and/or Landscape Architect(s); and
   f. Agent(s) of property owner or others involved in the proposal.

4. Information about abutting lands, including

   a. Names of abutting **SUBDIVISIONS**
   b. Names of Recorded Owners of all abutting **LOTS** and parcels
   c. Existing zoning, including any overlay districts.

Commentary
A property survey prepared and certified by a Land Surveyor within the previous six months of the date of submittal of the Development Plan application, may be submitted in satisfaction of the Existing Conditions information if all required data items are supplied on the property survey.

B. Existing Conditions

1. Existing streets, both on and within 500 feet **(100 feet for minor/infil projects)**of the proposed **BUILDING** or **DEVELOPMENT SITE**, including:
   a. **STREET** names;
   b. Location of each **STREET**;
   c. **RIGHT-OF-WAY** and paving width (inclusive of curbs/gutters);
   d. Driveway approach locations and proximity to other driveways and entrance(s) along the same side of **STREETS** that abut the site;
   e. Sidewalk locations;
   f. Median locations; and
   g. Any other improvements in the **RIGHT-OF-WAY**.
   h. Existing **LOT** lines and easements on the property, indicating the purpose of each easement.

2. Existing utility and drainage infrastructure, including location, materials and size of:
   a. Sanitary Sewers;
   b. Storm Sewers;
   c. Culverts;
   d. Water Mains;
   e. Utility poles, overhead power lines, pad mount transformers, injunctions, and switches; and
   f. Fire Hydrants (within 500 ft. of all site boundaries).

3. Existing buildings, structures, railroads, cemeteries, urban/suburban or rural service boundaries, scenic corridor boundaries, governmental boundaries and emergency service district boundaries on or abutting the property. Any buildings or land areas that have been designated as local landmarks, or are listed on the National Register of Historic Places, should be specifically noted.

4. A topographic map showing existing contours at two- foot intervals, where data is available from the Frankfort Plant Board Geographic Information System, or at five-foot intervals, if two foot contour information is not available. Contour lines shall be shown 100 feet beyond the **DEVELOPMENT** or **BUILDING SITE** boundary at ten-foot intervals.

5. A soils report showing subsurface soil, rock and groundwater conditions, and including:
   a. Soil classifications as identified by the U.S.D.A. Soil Conservation Service;
   b. Letter of written recommendation as to load bearing capacity and suitability for development prepared by a licensed civic engineer based on soil test(s); and
   c. If individual wells and/or septic tanks are proposed, show location and results of soil percolation tests in accordance with the specifications of the County Board of Health. Due

regard shall be given to the effects of cut and fill which may make such data obsolete. Anticipated areas of **CUT** and **FILL** shall be noted upon the plan.

6. The 100-year flood elevation, minimum habitable floor elevation and limits of the 100-year floodplain.

7. A surface drainage report showing direction and flow and methods of storm water retention and detention.

8. Existing surface water bodies, wetlands, streams and canals, both on and within 50 feet of the proposed site, including:
   a. Normal high water elevation or boundary;
   b. Attendant drainage areas for each; and
   c. Area, extent and type of wetlands.

9. Location of existing trees and/or tree canopies.

10. The precise location of any Frankfort Plant Board geodetic information system monument(s), whose coordinate values have been determined, which are within the proposed development site and/or within the 300 foot area surrounding it.

C. Proposed Development

1. **BUILDING** or **DEVELOPMENT SITE** layout, including:
   a. **BUILDING** or **DEVELOPMENT SITE** lines;
   b. Scaled dimensions;
   c. **LOT** numbers, and **BLOCK** numbers where applicable;
   d. **BUILDING PLACEMENT LINES**, scaled for each site;
   e. Type of intended use for each site;
   f. Areas to be held in common ownership for such purposes as recreation, storm water management, conservation, recreation/open space or other public use; and
   g. Gross and net acreage.

2. Delineation and description of the number, type and density and/or gross floor area and **FLOOR AREA RATIO** of Residential, Commercial, Office, Civic, Industrial or other proposed uses including:

   a. Architectural and Landscape plans;
   b. Mix of proposed uses;
   c. Phasing of proposed uses;
   d. Other information to determine compliance with any architectural or historic preservation standards and guidelines.

3. Proposed **STREET** System or Access Requirements, including:

   a. **STREET** names;
   b. Location and type of each **STREET** and/or site access location (include all Thoroughfare and Neighborhood Streets);
   c. **RIGHT-OF-WAY** width for each **STREET**;
   d. **SIDEWALK** locations;
   e. Median locations;

f. Approximate elevations at the centerline of the **STREET** shall be shown at the beginning and end of each **STREET,** and at **STREET** intersections;
g. Any other proposed improvements in the **RIGHTS-OF-WAY, including those related to the traffic study**; and
h. All roadway **GRADES**.

4. Location and scaled dimensions of all parcels of land proposed for public uses other than **STREETS**, including:

   a. **EASEMENTS** for drainage, utilities, storm water management, pedestrian pathways, **SIDEWALKS**, bike paths, parks/open space, etc; and
   b. Land dedications for parks/open space, schools, public facilities, storm water management, etc.

5. Proposed utility and drainage infrastructure, including the location, materials and size of:

   a. Sanitary sewers;
   b. Storm water management facilities;
   c. Culverts;
   d. Water mains;
   e. Fire hydrants; and
   f. Electric, gas, cable, telephone and other utilities and easements.

6. The nature, location and scaled dimension of any buffer or transition areas.

7. Proposed provision of fire protection, street lighting, street signs and other proposed improvements or services.

8. A tree protection plan, when required by the Planning Director.

9. Information concerning any private street(s) proposed to be included in the development, including:

   a. Copy of **DEED** or Legal Instrument that grants or provides the legal right to use the private **STREET** to property owners within the **DEVELOPMENT**.
   b. Copy of written notification to be provided at time of sale to all property owners having beneficial use of the private **STREET,** concerning their responsibilities in maintaining the street in safe operating condition.

10. A paving, grading, drainage plan.

11. An erosion and sedimentation control plan

12. The location and extent of areas within and abutting the site with slopes of 12-18% or 18.01% and greater.

13. A traffic report that addresses at least the existing traffic conditions, summary of proposed development, estimated trip generation, trip distribution, traffic assignment, analysis of future traffic conditions – with and without the proposed development to include level of service, identification of traffic impacts, conclusions and recommendations – mitigation.

7.05.00 PRELIMINARY PLAT (SUBDIVISION) REVIEW

7.05.01 Purpose

The purpose of preliminary plat review for **MAJOR PLATS** is to ensure that the proposed plan has been designed in accordance with the requirements of these regulations as well as the provisions of the applicable zoning district, without the need for detailed plans for the construction of public improvements.

7.05.02 Applicability

Preliminary Plan Review shall be required for all **SUBDIVISIONS** not eligible for **MINOR PLAT** review. The creation of six or more lots constitutes a **MAJOR PLAT**.

7.05.03 Application for Preliminary Plat Review *(amended 12-17-07)*

A. The **SUBDIVIDER** shall file a formal application for Preliminary Plat review on a form supplied by the **PLANNING DIRECTOR** and shall submit therewith a preliminary plat for the proposed **SUBDIVISION** prepared in conformance with the requirements of this Chapter. No application shall be accepted for review unless all required information has been provided and the application is accompanied by the appropriate review fee. The accuracy and sufficiency of the information provided with the application will be determined by the **TECHNICAL REVIEW TEAM**. The **PLANNING DIRECTOR** may require submission of information, material and documents beyond that required in this Part as necessary to determine compliance with these regulations.

   Upon receipt and acceptance for review of the Preliminary Plat Application, the **PLANNING DIRECTOR** shall submit copies to interested public agencies and utility companies and obtain a written report or approval on the plan from each such agency or company.

7.05.04 The Review Process for Preliminary Plats *(amended 12-17-07)*

Preliminary Plat review is intended to provide for a complete review of technical data and preliminary engineering plans for proposed major **SUBDIVISIONS**. The review should evaluate potential impacts to both the site and surrounding areas, and resolve planning, engineering and other technical issues so that development may proceed. The staff of the Planning Commission shall review the plat and shall forward the application documents upon determining they are sufficient fore review to the Technical Review Team (TRT) for comments to resolve any technical issues raised by the proposed **SUBDIVISION**. The **PLANNING DIRECTOR** or any authorized staff member of the **PLANNING COMMISSION** may take Commission action if the plat or subsequent revisions complies with the applicable provisions of these regulations and when all TRT members have indicated their approval or no comment. No TRT member shall approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations. Items which are not appropriate for administrative approval shall be submitted to the **PLANNING COMMISSION** in accordance with the provisions of this Chapter.

A. Applicants or TRT members may request **PLANNING COMMISSION** review of an application to resove any outstanding issues/conflicts between the plat and the regulations. The request shall set out the item(s) for which the affected party is seeking Planning Commission review. The request will be considered for review at the first Planning Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant.

B. Planning Commission review of TRT recommendations shall address only specific items of the Preliminary Plat proposal that:

1. Do not receive a consensus recommendation through the TRT process;
2. Are set out in a request for review by the applicant;
3. Are set out in a request for review by an adjoining property owner; or
4. Are requested as a modification of standards per 7.10.00.

C. The proposed preliminary plat shall be reviewed and the TRT recommendation made within ninety (90) days of a determination by the TRT that the application and associated information is sufficient and complete, unless this time limit is waived, in writing, by the applicant or the plat requires a modification as described herein. The TRT may find that the Preliminary Plat should be modified prior to granting a final approval. The TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified Preliminary Plat, to complete its' review.

D. The Frankfort Plant Board, as a core member of the Technical Review Team, will have the ability to review and comment upon the utility plans and information submitted with a Preliminary Plat for property that is not included within its service area.

7.05.05 Conditions of Approval for Preliminary Plats

When an application for Preliminary Plat review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Part, including any of the following. Violation of such conditions and safeguards, when made a part of the terms under which the Preliminary Plat is approved shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

A. Establish a special yard or other open space or **LOT** area.

B. Designate the size, number, location or nature of vehicle and pedestrian access points.

C. Require the dedication of additional **STREET RIGHT-OF-WAY** or any easements necessary to meet the standards of an in accordance with these regulations.

D. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

E. Specify other conditions to permit development of the City and/or County in accordance with the intent and purpose of this Chapter and the adopted **COMPREHENSIVE PLAN**.

7.05.06 Effect of Approval for Preliminary Plats

Approval of the Preliminary Plat shall give the applicant authority to submit a **RECORD PLAT** and a **CONSTRUCTION PLAN/DRAWING** package to the **PLANNING DIRECTOR**, applicable **ENGINEERING OFFICIAL** and other appropriate agencies. All **RECORD PLATS** and **CONSTRUCTION DRAWINGS** must conform to an approved Preliminary Plat and any conditions that may have been established for its' approval. The applicable **PLANNING DIRECTOR** and **ENGINEERING OFFICIAL** shall jointly determine that the submittal conforms to the approved Preliminary Plat, or requires major or minor modifications of the Preliminary Plat. Where it is determined that major modifications are required, the submittal shall be referred to the **TECHNICAL REVIEW TEAM** for review of the proposed major modifications. The **ENGINEERING OFFICIAL** may authorize minor modifications and adjustments to the **CONSTRUCTION DRAWINGS** without requiring additional Preliminary Plat review. Approval of the **PRELIMINARY PLAT** shall not authorize recording of the Plat nor constitute the acceptance of any land or improvements proposed to be dedicated.

7.05.07 Minor Modifications to an Approved Preliminary Plat

Minor modifications to a Preliminary Plat may include any of the following: a change in the location of a lot line so long as the number of lots is not increased or decreased; a change in the location of any utility service or utility easement that is required by the utility provider; changes in the size or configuration of storm water retention/detention facilities, but not location; and, a change in the phasing of development/construction of the **SUBDIVISION** that is not addressed by a condition of approval. All other modifications shall be determined to be major modifications subject to further review and approval by the **TECHNICAL REVIEW TEAM**.

7.05.08 Expiration of Preliminary Plats

A. **CONSTRUCTION DRAWINGS** for a minimum of the first construction stage of the **SUBDIVISION** must be submitted within one year of Preliminary Plat approval or the Preliminary Plat shall expire. One or more extensions for an additional one-year each may be granted by the Planning Commission if it finds that the **SUBDIVIDER** has diligently pursued the preparation of a **RECORD PLAT** and **CONSTRUCTION PLANS** or the construction of improvements. The developer shall submit in writing to the **PLANNING DIRECTOR** a letter requesting and justifying an extension.

B. In the case of **SUBDIVISIONS** being developed by sections, for the period within five (5) years of original approval of the Preliminary Plat, extensions of approval shall be automatic for all sections so long as construction is in progress in any section. Beyond this five (5) year period, an extension in accordance with the provisions above shall be required

7.05.09 Appeal of Planning Commission Decision

A decision of the **PLANNING COMMISSION** may be appealed to the Circuit Court of Franklin County. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Planning Commission's action. Such petition must be filed with the Circuit Court of Franklin County within thirty days (30) after the date of such decision.

7.06.00 CONSTRUCTION PLAN/DRAWING REVIEW

7.06.01 Purpose

SUBDIVISION Construction Review is intended to provide detailed technical information for all proposed public improvements prior to actual construction to ensure that development will be in conformance with all regulations and any conditions of the approval. In addition, this review includes securing adequate and timely performance guarantees, permits and other approvals necessary to ensure the construction, inspection and proper operation of the public improvements to be constructed.

7.06.02 Submittal of Construction Drawings

Following the approval of a Preliminary Plat, the applicant shall submit **CONSTRUCTION DRAWINGS** (see 7.04.03 for submittal requirements) to the applicable **ENGINEERING OFFICIAL** for required improvements. The applicant may apply for **RECORD PLAT** approval simultaneously with submittal of the construction drawings.

7.06.03 Permits Required

All required permits and Adequate Public Facilities and Services certificates shall be submitted concurrently with the **CONSTRUCTION DRAWINGS – if not previously submitted**. **CONSTRUCTION DRAWING** review will not begin until such permits or certificates have been received and determined by the **ENGINEERING OFFICIAL** to be sufficient. Permits that may be required include such as: **RIGHT-OF-WAY** encroachment/construction or driveway approvals from the Kentucky Transportation Cabinet; permits for construction in a floodplain from the Kentucky Division of Water; or wetland determinations and construction approval provided by the Army Corps of Engineers.

7.06.04 The Review Process

The applicable **ENGINEERING OFFICIAL** shall forward the **CONSTRUCTION DRAWINGS** to all members of the **CONSTRUCTION REVIEW TEAM** (CRT), as well as any other affected agencies, for review. Within 30 days of the acceptance of the Drawings for processing and review, the **CONSTRUCTION REVIEW TEAM** shall determine if the Drawings are or are not approvable and will notify the applicant of its' findings. The CRT may find that the **CONSTRUCTION DRAWINGS** should be modified prior to final approval. The CRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified construction drawings, to perform its review of Drawings that have been modified pursuant to a prior CRT review finding.

7.06.05 Review Standards

CONSTRUCTION DRAWINGS shall conform to the approved **PRELIMINARY PLAT**, including any conditions, and shall also conform to all other City or County regulations in effect and applicable to the proposed development.

7.06.06 Effect of Construction Drawings Approval

Approval of **SUBDIVISION CONSTRUCTION DRAWINGS** shall give the applicant authority to submit a **RECORD PLAT** application. Approval shall not authorize recording of the **RECORD PLAT** nor constitute acceptance of any land or improvements proposed to be dedicated to the City or County. Construction Drawing plan approval shall authorize the developer to begin site preparation and/or installation of improvements, provided any required permit identified in section 7.06.03 has been received and approved.

7.06.07 Authorization to Begin Construction

Issuance of a building permit or site construction permit through the applicable **ENGINEERING OFFICIAL** or **PLANNING DIRECTOR** will serve to authorize the construction of public improvements addressed in the **CONSTRUCTION DRAWINGS**. Individual building permits will not be approved or issued until the Record Plat has been recorded and the following items are completed:

1. asphalt base of the street is acceptable to the Engineering Official; and
2. the required fire hydrants are installed with adequate water flow; and
3. installation of erosion control/stormwater features and street signs/traffic control devices.

Certificates of occupancy may be issued prior to the completion of certain improvements as identified in Part 8, Section 8.01.17. *(amended 8-27-07)*

7.07.00 RECORD PLAT REVIEW

7.07.01 Purpose of Record Plat Review

Before transferring title to any portion of a **SUBDIVISION** or accepting a performance guarantee for improvements and reservations, a **RECORD PLAT** must be reviewed and approved. The subdivider shall obtain the approval of the Planning Commission or **CONSTRUCTION REVIEW TEAM** to be shown on the **RECORD PLAT** prior to its recording.

7.07.02 Submittal of Application

Simultaneously with or following the acceptance for processing and review of all **CONSTRUCTION DRAWINGS**, the applicant shall submit to the **PLANNING DIRECTOR** an application for **RECORD PLAT** which conforms to the submittal requirements of 7.04.02. No application will be deemed accepted unless it is complete.

7.07.03 The Review Process

Upon acceptance of the application, the **PLANNING DIRECTOR** shall review the **RECORD PLAT** for conformance with the review standards below. Following this review, he or she shall forward the application to the applicable **ENGINEERING OFFICIAL** and **CONSTRUCTION REVIEW TEAM**. The applicable members of the CRT shall review the **RECORD PLAT** application based on the standards set forth below, and shall approve or deny the application, stating in writing any reasons for denial. Review standards include:

A. It is in conformance with the approved Preliminary Plat and other City or County regulations and policies;

B. **CONSTRUCTION DRAWINGS** and adequate performance guarantees have been provided and approved;

C. All required **SUBDIVISION** Agreements, escrows, dedications, and reservations have been executed; and

D. The applicant has paid all required fees or charges, and has established any required escrow arrangements.

7.07.04 Affect of Recording of Record Plat

Upon recording of the **RECORD PLAT** with the County Clerk, and issuance of applicable building permit, the applicant may begin site development and installation of improvements. Approval of the **RECORD PLAT** shall constitute acceptance of all dedications and reservations of land shown on the Plat, except those that are specifically reserved or refused in writing by the City or County in connection with Plat approval. No changes, erasures or revisions shall be made after **RECORD PLAT** approval unless the Plat is resubmitted as a new application under the provisions of this Chapter.

7.08.00 MINOR PLAT REVIEW (INCLUDES IN FAMILY CONVEYANCES)

7.08.01 Purpose

The **MINOR PLAT** Review process is intended to provide for adequate technical and administrative review for **SUBDIVISIONS** having few **LOTS** and that do not require dedication of **STREETS** or other public improvements. In so doing, these regulations ensure that **DEVELOPMENT** takes place in an orderly and efficient manner.

Commentary pertaining to 7.08.01
The language of 7.08.01 describes a minor plat as a subdivision not requiring the dedication of streets or other public improvements. What is intended by this statement is that minor subdivisions can be developed with access from existing streets. Additional right-of-way may be required to be dedicated for the existing street as part of the minor subdivision plat. However, the need to create a new public right-of-way/street in order to provide access to lots would require a more extensive review and therefore, this type of subdivision could not be considered under the Minor Plat procedures. The same intent would be applicable for other types of major public service improvements, such as the extension of a water or sanitary sewer collection and distribution system.

7.08.02 Applicability

MINOR PLAT Review shall apply to any **SUBDIVISION, RESUBDIVISION, IN-FAMILY CONVEYANCE,** consolidation or minor amendment of an existing plat, where the following standards apply.

A. Additional public improvements are not required, except utility laterals, sidewalks, fire hydrants or other types of minor improvements necessary to serve the **LOTS** being created.

B. The public **STREET** layout will not be affected except for dedication of additional **RIGHT-OF-WAY**, where required, or construction of a public street to provide access to the lots proposed to be created is necessary due to access management requirements of this chapter or the zoning ordinance.

C. The **SUBDIVISION** consists of not over five (5) **LOTS** including any remainder that will be retained by the owner(s), or five (5) **LOTS** of record if a consolidation plat is proposed to create equal to or a lesser number of parcels than the five (5) original **LOTS** of record.

D. The existing tract was lawful under these regulations at the time the property description was recorded.

E. The existing tract(s) have not been subject of a previously approved preliminary plat for a **SUBDIVISION.**

F. The **SUBDIVISION** is in compliance with the minimum requirements of the applicable zoning regulations and other ordinances and regulations and no substandard tracts, parcels, or **LOTS** will be created.

G. All **LOTS** must be serviceable by existing water and sewer lines, or on-site disposal systems as may be approved by the Franklin County Department of Health, depending on whether the **MINOR SUBDIVISION** is located in a designated urban, suburban or rural area (See Figure 1.1 in Part 1 for a geographic description of these areas)

H. Adequate provision will be made for access to a public roadway. If an existing private street is to be used for access, provisions for maintenance acceptable to the **PLANNING COMMISSION** will be placed on applicable recorded documents.

I. Minor revisions to an existing plat needed to make technical revisions to a **RECORD PLAT** of an engineering or drafting nature or similar small discrepancy, but not including the altering of any property lines or public improvement requirements

J. Revisions to a **RECORD PLAT** for the purpose of release or modification of existing and addition of new utilities and drainage easements.

7.08.03 Minor Plat for Family Conveyance

An In Family Conveyance Minor Plat whose purpose is to convey one to five lots to a family member shall also be subject to the additional standards listed below.

A. An in-family conveyance is limited to members of the immediate **FAMILY**. A **FAMILY** member includes parent-to-child, child-to-parent, spouse-to-spouse, and sibling-to-sibling. The **FAMILY** relationship may be by birth, adoption or marriage.

B. The **FAMILY MEMBER** to whom the tract is conveyed shall hold title to the tract so conveyed and reside therein for at least five (5) years, and should the family member, within the first five (5) years, convey the tract to anyone other than the person or persons from whom it was received, then such deed shall be void.

C. All deeds from the owner to a **FAMILY MEMBER** shall contain: a **RESTRICTIVE COVENANT** stating clearly the five (5) year restriction for holding title and residing therein and stating that any conveyance prior to said five (5) years shall be void; and, a provision that in the case of a judicial sale or the death of the person or persons to which the original conveyance was made, the time restriction on a conveyance to a third party shall not apply.

Commentary pertaining to 7.08.03
The definition of **Family** is "a group of one or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five persons, as distinguished from a group occupying a boarding or lodging house or hotel." The definition of **Family Member,** as used in conjunction with requirements for an In-Family Conveyance, is "the person or persons who are the grantees of the conveyance, are members of the immediate family of the grantor and are related to the grantor by birth, adoption or marriage."

7.08.04 Transfer of Property Not Requiring a Plat

The transfer or conveyance of property between adjoining property owners shall be construed as requiring a **MINOR PLAT** review and approval, unless that which is transferred or conveyed had been previously approved by a plat and is not intended to be consolidated with the adjoining property.

7.08.05 Minor Plat Application

The **SUBDIVIDER** shall file a formal application for **MINOR PLAT** Review on a form supplied by the **PLANNING DIRECTOR** and shall submit therewith a **MINOR PLAT** prepared in conformance with the requirements of this Part. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The **PLANNING DIRECTOR** may require submission of information, material and documents beyond that required in this Part as necessary to determine compliance with these regulations.

7.08.06 The Review Process for Minor plats *(amended 12-17-07)*

Upon receipt and acceptance of the application, the **PLANNING DIRECTOR** and staff of the **PLANNING COMMISSION** shall review the plat and forward the documents to the Technical Review Team to resolve any problems raised by the proposed subdivision. The staff should then report its recommendations, as well as the reports of other agencies and companies, to the **SUBDIVIDER.** The **PLANNING DIRECTOR** or any authorized staff member of the Planning Commission may take Planning Commission action if the plan or revision complies with the applicable provisions of these regulations and all TRT comments. No TRT member shall approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations or conditions. The planning director or TRT may find that the minor plat

should be modified prior to final approval. The applicable Planning Director or TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified minor plat, to perform it review of a minor plat that has been modified pursuant to a prior Planning Director or TRT review finding.

A. Applicants or TRT members may request **PLANNING COMMISSION** review of an application.. The request shall set out the item(s) for which the applicant or other TRT member is seeking Commission review. The request will be considered for review at the first Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the applicant. .

B. Commission review of TRT recommendations should address specific items of the **MINOR PLAT** proposal that:
   1. Do not receive a consensus recommendation through the TRT process;
   2. Are set out in a request for review by the applicant; or
   3. Are requested as modification of standards per 7.10.00.

C. A **MINOR SUBDIVISION** plat shall be reviewed and action taken within ninety (90) days of a determination by the **PLANNING DIRECTOR** or **TECHNICAL REVIEW TEAM** that the application and associated information is sufficient and complete, unless this time limit is waived, in writing, by the applicant or the plan requires a modification as described herin. The applicable planning director or TRT may find that the Minor Plat should be modified prior to granting a final approval. The TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified minor plat, to complete its' review and issue a recommendation.

D. The Frankfort Plant Board, as a core member of the TRT will have the ability to review and comment upon the utility plans and information submitted with a minor plat for property that is not included within its service area.

7.08.07 Conditions of Approval

When an application for a **MINOR PLAT** is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of these regulations, including any of the following. Violation of such conditions and safeguards, when made a part of the terms under which the **MINOR PLAT** is approved, shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

A. Establish a special yard or other open space area.

B. Designate the size, number, location or nature of vehicle and pedestrian access points.

C. Require the dedication of additional **STREET RIGHT-OF-WAY** or any easements necessary to meet the standards of an in accordance with these regulations.

D. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

E. Specify other conditions to permit development of the City of Frankfort and Franklin County in accordance with the intent and purpose of these regulations and the adopted **COMPREHENSIVE PLAN**.

7.08.08 Effect of Approval

A. Approval of the **MINOR PLAT** shall authorize recording of the Plat and constitute the acceptance of any land or improvements proposed to be dedicated.

7.08.09 Expiration

If the **MINOR PLAT** is not recorded within one (1)year of the approval date, the applicant may request a one(1) year extension of the expiration date. Only one (1) extension may be granted for recording the **MINOR PLAT**. The applicant shall submit a written request for extension of the expiration date to the **PLANNING DIRECTOR**, who may grant such requests if it is determined that circumstances or hardship justify the request.

7.08.10 Appeal of Commission Decision

A decision of the **PLANNING COMMISSION** may be appealed to the Circuit Court of Franklin County. A petition for review shall specify the grounds upon which the petition alleges the illegality of the Commission's action. Such petition must be filed with the Circuit Court of Franklin County within thirty days (30) after the date of such decision.

7.09.00 DEVELOPMENT PLAN REVIEW

7.09.01 Purpose

The purpose of this review is to determine compliance with the conditions and requirements prerequisite to the issuance of a **BUILDING PERMIT** for a **BUILDING** or **DEVELOPMENT SITE.** During this review process, conformance with the design requirements associated with a Historic District Overlay District, Architectural Design Standards, Building Code, and other regulation then in effect may also be established. These regulations are necessary and related to **SUBDIVISION** AND DEVELOPMENT PLAN regulations to ensure that the development of existing and future platted **LOTS** and tracts conforms to the conditions and requirements established for their development.

7.09.02 Applicability

DEVELOPMENT Plan review shall not be required for individual single family or duplex dwelling units on platted lot, or for a maximum of twenty multi family dwelling units. A condominium with more than 20 units are required to submit a development plan.

7.09.03 Optional Pre-Application Review

Prior to formal application for a **DEVELOPMENT PLAN** review, the applicant may present for discussion a sketch showing generally the boundaries of the proposed **BUILDING** or **DEVELOPMENT SITE**, the proposed **DEVELOPMENT**, architectural plans or building prototypes, site dimensions, topography, proposed drainage pattern, north arrow, scale and any other pertinent information then known to the applicant. The applicant or property owner or their agent, or the **PLANNING DIRECTOR**, may request a conference to discuss the requirements for **DEVELOPMENT PLAN** approval. For this review, the applicant shall contact the **PLANNING DIRECTOR** to set a meeting date to discuss intentions as they relate to a **DEVELOPMENT PLAN** review. The pre-application meeting does not require formal application or fee.

7.09.04 Development Plan Application *(amended 12-17-07)*

The applicant shall file a formal application for **DEVELOPMENT PLAN** review on a form supplied by the **PLANNING DIRECTOR** and shall submit therewith a Plan prepared in conformance with the requirements of this Part. No application shall be accepted for review unless it is complete and accompanied by the appropriate review fee. The **PLANNING DIRECTOR** may require submission of information, material and documents beyond that required in this Part as necessary to determine compliance with the regulations in effect at the time of application.

7.09.05 Review Process

A. **DEVELOPMENT PLAN** review is intended to provide for a complete review of technical data and engineering, landscaping and architectural drawings for proposed **BUILDING SITES** and **DEVELOPMENT SITES**. The review should evaluate potential impacts on both the site and surrounding areas, and resolve planning, engineering and other technical issues so that development may proceed.

B. Should the application require the review and approval of an Architectural Review or Historic Preservation Board, that review shall be completed before the **DEVELOPMENT PLAN** is approved.

C. The staff of the Planning Commission shall review the development plan and shall forward the application documents upon determining they are sufficient fore review to the Technical Review Team (TRT) for comments of approval, approval with conditions or other comments to resolve any problems raised by the proposed development plan. The staff shall then present its recommendations and the reports of the TRT agencies and to the applicant. If revisions are necessary due to TRT comments, the applicant shall submit revised materials for review.

D. The **PLANNING DIRECTOR** or any authorized staff member may take final action if the development plan or subsequent revisions complies with the applicable provisions of these and any other applicable regulations and when all TRT members have indicated their approval or no comment. TRT members shall not approve any delegated item if they have reason to question its accuracy, or its compliance with any applicable regulations. Items that are not appropriate for administrative approval shall be submitted to the Planning Commission in accordance with the provisions of this Part. An action of the applicable planning director or any authorized staff member for a development plan may be appealed to the Frankfort/Franklin County Board of Zoning Adjustment pursuant to the process and procedures for administrative appeals described in the zoning ordinance (Article 18).

E. Applicants or TRT members may request **PLANNING COMMISSION** review of the application. . The request shall set out the item(s) for which the applicant is seeking Planning Commission review. The request will be considered for review at the first available Planning Commission meeting following receipt of the request, or at a subsequent meeting if so requested by the **DEVELOPMENT PLAN** applicant.

F. Planning Commission review of TRT recommendations shall address only specific items of the **DEVELOPMENT PLAN** proposal that:

1. Do not receive a consensus recommendation through the TRT process;
2. Are set out in a request for review by the applicant; or
3. Are requested as a modification of a standard.

G. The Frankfort Plant Board, as a core member of the TRT, will have the ability to review and comment upon the utility plans and information submitted with a development plan for property that is not included within its service area.

7.09.06 Conditions of Approval

The proposed development plan shall be reviewed and action taken by an authorized staff member within thirty (30) days of receipt of a complete application and the **SITE PLAN**, unless this time limit is waived, in writing, by the applicant, the plan requires a modification as described herein, or a decision of an authorized staff member or the TRT is appealed. The applicable planning director or TRT may find that the development plan should be modified prior to granting a final approval. The TRT may take an additional 30 days, beginning upon acceptance for processing and review of the modified development plan, to complete its' review and issue a recommendation.

A. When an application for **DEVELOPMENT PLAN** Review is approved, appropriate conditions and safeguards may be prescribed in conformity with the intent and provisions of this Part, including any of the following. Violation of such conditions and safeguards, when made a part of the terms under which the **DEVELOPMENT PLAN** is approved shall be deemed a violation of these regulations, subject to enforcement under the provisions established.

1. Establish a special yard or other open space area.
2. Designate the size, number, location or nature of vehicle and pedestrian access points.
3. Require the dedication of additional **STREET RIGHT-OF-WAY** or any easements necessary to meet the standards of an in accordance with these regulations.
4. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
5. Specify any architectural treatments or design alternatives that better serve to integrate the proposed development with its' surrounding built and man-made environment, and to promote compliance with historic or architectural and urban design standards then in effect.
6. Specify other conditions to permit development of the City and County in accordance with the intent and purpose of this Chapter and the adopted **COMPREHENSIVE PLAN**.

7.09.07 Effect of Approval

Approval of the **DEVELOPMENT PLAN** shall give the **PLANNING DIRECTOR** and/or authorized staff member the authority to issue building permit(s) for the proposed development. All **CONSTRUCTION DRAWINGS** submitted with or subsequent to **SITE PLAN** approval shall conform to such approval and any conditions that may have been approved with it. However, the **PLANNING DIRECTOR** may authorize minor modifications and adjustments during the course of construction without requiring additional formal **DEVELOPMENT PLAN** Review.

7.09.08 Expiration

A. A **BUILDING PERMIT (S)** for an approved **DEVELOPMENT PLAN** must be applied for within one year of the date of final action to approve the **DEVELOPMENT PLAN**. If a permit application has not been submitted or approved within the one (1) year period the original **DEVELOPMENT PLAN** approval shall expire. One or more extensions for an additional one (1) year each may be granted by the Planning Commission if it finds that applicant has diligently pursued implementation of the approved **DEVELOPMENT PLAN**. The applicant shall submit in writing a letter requesting and justifying an extension.

B. In the case of **BUILDING** or **DEVELOPMENT SITES** that are developed by phases, for the period within five (5) years of original approval of the **DEVELOPMENT PLAN**, extensions of approval shall be automatic for all sections so long as construction is in progress in any phase. Beyond this five (5) year period, an extension in accordance with the provisions above shall be required.

7.10.00 MODIFICATION OF STANDARDS

7.10.01 Purpose

In connection with the review of a preliminary plan, **RECORD PLAT**, **MINOR PLAT** or **DEVELOPMENT PLAN** application, the **PLANNING COMMISSION** may modify any requirement of these regulations not specifically excluded from this procedure. The term "modification" means the reduction of a requirement or standard or the substitution of an alternative requirement or standard, however, it does not include the complete "waiver" or "elimination" of the requirement or standard.

7.10.02 Submittal of Request

The applicant shall submit, with the appropriate application for plan review, a request for modification(s) of the applicable **DEVELOPMENT** standards. The request shall state the modification(s) being requested, and the reasons for the modification(s) in terms of the standards set forth in these regulations.

7.10.03 Review of Request

The request for modifications shall be reviewed by the **TECHNICAL REVIEW TEAM** and a recommendation forwarded to the **PLANNING COMMISSION**. The Commission shall act upon the request for modification.

A. General Standards - No modification may be granted under these regulations unless:

1. The modification is consistent with the stated purpose and intent of these regulations and with the adopted **COMPREHENSIVE PLAN**;

2. The modification would not have a significantly adverse impact on the public interest; and

3. The modification would not overburden or otherwise adversely impact public facilities.

B. Specific Standards - No modification may be granted unless the applicant clearly shows the existence of one or more of the following circumstances:

1. Superior Alternatives - Where the proposed modification or waiver will provide an alternative that will achieve the purposes of the requirement through clearly superior design, efficiency, or performance.

2. Protection of Significant Features - Where the modification or waiver is necessary to preserve or enhance significant existing environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site.

3. Deprivation of Reasonable Use - Where the strict application of the requirement would effectively deprive the applicant of all reasonable use of the land to be subdivided, due to its unusual size, shape, topography, natural conditions, or location; provided,

a. Such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in a specific case, and

b. The unusual conditions involved are not personal to, nor the result of actions of the developer or property owner, which occurred after the effective date of these regulations.

4. Technical Impracticality - Where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location of the land or due to improved efficiency, performance, safety, or construction practices which will be realized by deferral of the installation of required improvements; provided,

   a. The **DEVELOPMENT** will provide an alternative adequate to achieve the purposes of the requirement, including performance guarantee for the current construction cost, adjusted for inflation, of any required improvements which may be deferred; and,

   b. Any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner that occurred after the effective date of these regulations.

5. No Relationship to the Development or its Impacts - Where all or any part of the requirement has no relationship to the needs of the **DEVELOPMENT**, or to the impact of the **DEVELOPMENT** on the public facilities, land use, traffic, public safety or environment of the **NEIGHBORHOOD** and the general community, due to the location, scale, or type of **DEVELOPMENT** involved; provided that any specific modification requirements set forth in these regulations are met.

7.10.04 Alternative Standards and Conditions

Reasonable conditions and additional or alternative requirements, including but not limited to those relating to the provision of adequate security to assure compliance, the dedication or reservation of land, or the provision of funds in lieu of installation of improvements or dedication or reservation of land, may be imposed in connection with the approval of any modification of the requirements of this Chapter.

7.11.00 Amendment of Regulations *(amended 12-17-07)*

7.11.01 Purpose

The purpose of this section is to determine a process and procedures by which the PLANNING COMMISSION may consider and act upon a request: to modify the boundaries of an urban, suburban and/or rural area depicted upon Figure 1.1 or to amend the textual provisions of these regulations. Amendments initiated by a governmental entity, board, committee or planning staff are to be forwarded directly to the Subdivision Update Committee of the Frankfort/Franklin County Planning Commission for consideration, prior to being placed upon the Planning Commission agenda.

7.11.02 Submittal of Request

The applicant (other than a governmental entity, board, committee or planning staff) shall submit, with the appropriate application and review fee, a request to modify an urban, suburban and/or rural area boundary as depicted in Figure 1.1, or a text amendment; The request shall identify the specific parcels of land, or section (s) of the regulations that are the subject of the application and provide supporting information as described below.

A. The parcels of land subject to the proposed amendment shall be identified by legal description prepared by a registered land surveyor and depicted on a plat of survey. The owners of the parcels shall be identified and each shall indicate their consent to the proposed amendment as part of the application.

B. The section (s) of the regulations shall be identified by the part/section/subsection numbers of the applicable regulations, and the applicant shall identify the action or alternative language proposed.

C. Supporting information to be provided with the application includes, where applicable: a justification statement that addresses the purpose of the amendment; conformity with the adopted Comprehensive Plan; availability of public facilities and services necessary to support existing or potential development within the type of area(s) proposed for amendment (urban, suburban and/or rural); impact of proposed text amendment to all property owners that may be affected by the proposal; and, existing zoning and land use for the subject property(ies) when a modification to Figure 1.1 is proposed.

7.11.03 Review of Request

The application shall be reviewed by the Subdivision Update Committee and a recommendation forwarded to the PLANNING COMMISSION. The Commission shall act upon the request following public notice and a public hearing. Public notice shall be the same as required under the provisions of the Kentucky Revised Statutes for an amendment to the Zoning Map. The action of the PLANNING COMMISSION shall be consistent with the standards identified below:

A. General Standards – No amendment may be granted under these regulations unless:

1. The amendment is consistent with the stated purpose and intent of these regulations and with the adopted COMPREHENSIVE PLAN;
2. The modification would not have a significantly adverse impact on the public interest; and
3. The modification would not overburden or otherwise adversely impact public facilities.

B. An application for amendment of Figure 1.1 shall not be reviewed concurrently with an application for a zoning map amendment, or any application for **SUBDIVISION** or **DEVELOPMENT PLAN** review for the property subject to the proposed amendment

(amended 12-17-07)

Part 8

Part 8 Installation and Maintenance of Improvements for Subdivisions, Building and Development Sites

8.01.00 GENERALLY

8.01.01 Purpose

The purpose of these requirements is to provide standards and procedures for the installation and maintenance of improvements where required by these regulations. These requirements are intended to ensure that all improvements will be installed in a timely and efficient manner that protects the public health, safety, and welfare, and, where improvements will be retained in private ownership, that they will be maintained permanently in accordance with the requirements of these regulations.

8.01.02 Applicability

The improvements requirements apply to all development proposals requiring approval under the provisions of these regulations. No **RECORD PLAT**, **MINOR PLAT**, or **DEVELOPMENT PLAN** shall be approved unless assurance is provided required improvements will be installed in accordance with this Part.

8.01.03 General Requirements

A. All improvements shall be built to the standards and specifications of these regulations, and in accordance with any additional requirements and policies of the applicable **ENGINEERING OFFICIAL**. Required improvements shall be installed by and at the expense of the **SUBDIVIDER** or developer/builder, except as specifically provided herein.

B. All required improvements shall be consistent with the adopted **COMPREHENSIVE PLAN**

C. Professional Engineer Required - A professional engineer registered in the State of Kentucky shall certify the design and installation of all required improvements to include those to be dedicated for public use. The **CONSTRUCTION REVIEW TEAM** "CRT" shall review all plans for improvements prior to construction and approve those not prepared by a public agency or utility provider.

8.01.04 Improvements Dedicated to the Public

These requirements shall apply to all **STREET** and **RIGHT-OF-WAY** improvements, and wherever improvements required by these regulations will be dedicated to the public.

8.01.05 Performance Guarantee Required

Except as otherwise provided (See Alternative Procedure in Section 8.01.11), no **RECORD PLAT, MINOR PLAT OR DEVELOPMENT PLAN** shall be approved unless a **PERFORMANCE GUARANTEE** is filed in accordance with this Part for the installation of required public improvements. The developer shall be responsible for ensuring that the improvements have been guaranteed; however, the developer or the contractor may post the guarantee. The **PERFORMANCE GUARANTEE** shall comply with all statutory requirements and shall be approved by the **PLANNING COMMISSION'S** legal counsel as to form and manner of execution. Guarantees shall be held and managed by the applicable **ENGINEERING OFFICIAL**. In lieu of such performance guarantee, the CRT may authorize the developer/builder to install, at his own expense, all required improvements.

A. Acceptable Types of Guarantees - The **PERFORMANCE GUARANTEE** shall consist of an equivalent cash deposit, certificate of deposit or irrevocable letter of credit by a Kentucky bank, or a cashiers check or a certified check drawn upon a Kentucky bank.

B. Amount of Guarantee Required - The amount of the **PERFORMANCE GUARANTEE** shall be equal to the maximum estimated cost for the installation of the uncompleted portion of the required improvements adjusted for inflation during the maximum effective period of the guarantee based upon a bid or an estimate by the engineer of record and subject to approval by the CRT; but in no case shall the amount be less than 125% of the current construction costs of such improvements.

C. Effective Period - The effective period of the performance guarantee should be no more than one (1) year from the date of approval of the **RECORD PLAT**, **MINOR PLAT** or **DEVELOPMENT PLAN**, or other time period specifically approved by the applicable **ENGINEERING OFFICIAL**.

D. Extensions and Substitutions - The CRT may grant one (1) extension for up to and including a one (1)-year effective period of the **PERFORMANCE GUARANTEE** for good cause shown. However, the CRT shall review the guarantee, and may require a change in the amount of guarantee for the extension period. The **PLANNING COMMISSION** may, at any time during the effective period, accept a substitution of principal, sureties, or other parties, upon recommendation by its legal counsel.

E. Default - Wherever the required improvements have not been installed according to the terms of the **PERFORMANCE GUARANTEE** and no extension or substitution has been granted, the **PLANNING COMMISSION** or its' designee may, upon recommendation of the applicable **ENGINEERING OFFICIAL** and thirty (30) days' written notice to the parties to the instrument, declare the **PERFORMANCE GUARANTEE** to be in default and exercise the rights hereunder. Upon default, no building permit or other approval shall be granted for the development until the **PLANNING COMMISSION** or it's designee determines that adequate progress has been made toward completion of the remaining improvements.

8.01.06 Construction and Inspection of Improvements

The **CONSTRUCTION REVIEW TEAM** shall carry out inspections and tests of all required improvements during construction and following the completion of each stage of construction, to ensure compliance with the approved plat or plan, and shall advise the **PLANNING COMMISSION** whether the improvements being constructed appear to qualify for acceptance. If deemed necessary, sidewalk and other paved surfaces shall be cut through or cored to determine compliance with specifications. All required improvements shall be installed, inspected, and approved prior to acceptance.

A. Inspection Fees - The developer/builder shall pay to the applicable City or County Engineer, for engineering and inspection services provided, a sum equal to the direct and indirect costs associated with plan review, inspections, tests, and other tasks required. Full payment of these expenses shall be made prior to issuance of a Certificate of Completion.

B. Completion and Acceptance of Improvements - Before the applicable **ENGINEERING OFFICIAL** can accept improvements by issuing a Certificate of Completion, the developer/builder must meet certain requirements, as detailed in this Part. At the applicable **ENGINEERING OFFICIAL'S** option, improvements in a development may be accepted in self-supporting stages.

C. The provisions of this Part are intended to impose requirements on developer and builders and their Registered Professional Engineers. This Part shall not be construed to place any limitations on the actions of the **PLANNING COMMISSION**.

Commentary Pertaining to 8.01.06

One of the principal tasks for the Construction Review Team will be to focus attention on the installation of utilities. Specifically, the CRT should coordinate City, County, Plant Board, Utility Company and others involved in the installation of utilities to ensure coordination. Sanitary sewer and storm water utilities should be, wherever possible, be placed under the pavement of the street. Potable water and gas facilities should be placed under the sidewalk along one side of the street, with laterals to the opposite side of the street for service. Electric and communications related utilities should be collocated and installed together on the opposite side of the street from the potable water supply line – either under the sidewalk or within a utility corridor or easement.

Utilities should not be installed in the parkway/streetscape area except as necessary for service laterals or as necessary for feeds to streetlights, fire hydrants or traffic signals. The CRT should ensure that utility providers and construction personnel coordinate installation to maximize the potential for common trenching and minimize the potential for multiple trenching and utility conflicts – particularly when retrenching involves the removal of street pavement or finished sidewalk.

The engineer(s) responsible for street and utility design should coordinate respective construction plans and procedures and specify the location, size and purpose of sleeves installed within the right-of-way to accommodate future service laterals, etc. Service laterals should be installed and extended from main utility lines within the right-of-way to a minimum of two feet within the adjoining lots, building or development site. This procedure will help to ensure that as utility service to individual homes and businesses is installed, the contractor will not have to disturb the area of the right-of-way in order to locate and install a point of connection.

8.01.07 Acceptance of Improvements and Certificate of Completion

The applicable **ENGINEERING OFFICIAL** accepts improvements by issuing a Certificate of Completion. This official shall be required to issue a Certificate of Completion only if:

A. The developer/builder has:

1. Complied with all requirements listed in Section 8.01.08;
2. Posted a Defect Security in accordance with Section 8.01.10;
3. Submitted the results of any tests that the applicable **ENGINEERING OFFICIAL** may require;
4. Submitted a Surveyor's Letter of Certification to the applicable Engineering Official;
5. Submitted itemized cost sheets to the **CONSTRUCTION REVIEW TEAM** for all facilities to be dedicated to the public; and
6. Completed a video camera recorded inspection of constructed storm sewer facilities and provided a copy of the recorded inspection to the applicable engineering official. This inspection shall be a the sole cost of the developer/builder and shall be conducted and recorded with equipment and procedures specified by the applicable engineering official.

B. The **CONSTRUCTION REVIEW TEAM** has conducted satisfactory final inspections of the improvements to be accepted.

NOTE: Certificates of occupancy can be issued prior to full compliance with A. 1, 4, & 6 above, and in accordance with 8.01.17. . *(amended 8-27-07)*

8.01.08 As-Built Drawings

In every instance in which a developer/builder is required to submit **CONSTRUCTION PLANS** for approval, the developer/builder is also required to arrange for a registered Professional Engineer to accomplish and complete all of the following:

A. Monitor the construction of the improvements;

B. Create and maintain a set of on-going, continuously updated as-built drawings of the improvements. The drawings shall show survey monuments, described with name, number, and State Plane Coordinate Values, and their bearing structure must be based on the State Plane Coordinate System from the information provided by these monuments. Furthermore, all as-built drawings must be created and maintained in accordance with the standards and requirements adopted by the Board of Direction, American Congress on Surveying and Mapping, as may be amended;

C. Ensure that the above referenced as-built drawings accurately reflect the actual status of constructed improvements;

D. Make the above referenced as-built drawings available for inspection by the CRT at all times; and

E. At the completion of the improvements, submit four (4) completed sets of white print (or better quality) as-built drawings to the applicable **ENGINEERING OFFICIAL**. All adjustments must be made to the original drawings prior to printing. Each completed set of as-built drawings must include, on its face, a certified statement by the developer's/builder's Professional Engineer that the set of as-built drawings accurately depicts the actual improvements as constructed.

F. At the time of completion of improvements, submit one (1) completed set of white print (or better quality) as-built drawings to the Frankfort Plant Board.

8.01.09 Sanctions

If the developer/builder or the Professional Engineer fails to comply with any one or more of the requirements described in this Part, then the **CONSTRUCTION REVIEW TEAM** shall choose any one or more of the following as sanctions:

A. Refuse to allow building permits to be issued for any or all of the development;

B. Refuse to issue Certificates of Occupancy for any or all of the development;

C. Refuse to issue a Certificate of Completion for the improvements, thereby refusing to accept the improvements;

D. Order the remedy of such failure within thirty (30) days; or

E. Cash or collect the guarantee.

8.01.10 Posting of Defect Security

Prior to acceptance of the required improvements by the **CONSTRUCTION REVIEW TEAM** through the issuance of a Certificate of Completion, the developer/builder shall post a Defect Security for the repair or correction of material defects or failures of the improvements for a "Maintenance Period" of two (2) years following their acceptance. The Defect Security shall be in an amount equal to fifteen (15) percent of the actual construction cost of all the improvements, and shall consist of a maintenance bond, equivalent cash deposit with the applicable **ENGINEERING OFFICIAL,** certificate of deposit, irrevocable letter of credit by a Kentucky bank, or a cashier's check, or certified check drawn upon a Kentucky bank. The **CONSTRUCTION REVIEW TEAM** shall create, maintain, and provide approved forms for each type of Defect Security described immediately above. The developer/builder must use the approved Defect Security forms and may not modify said approved forms in any way. Any change or modification to such forms shall be disregarded and shall be unlawful. Upon default, the **CONSTRUCTION REVIEW TEAM**, the **PLANNING COMMISSION,** or other applicable public body may exercise its rights under the Defect Security upon ten (10) days' written notice by certified mail, return receipt requested, to the parties to the instrument.

A. Responsibility During Maintenance Period - During the two- (2) year "Maintenance Period" when the Defect Security is in effect, (after the acceptance of improvements), the developer/builder must provide all required maintenance or repair of the accepted improvements, including, but not limited to, the repair and replacement of any system component, failed section of paving or like item, and the control of erosion, replacement of sod, or removal of soil washed onto pavement or into the drainage system.

B. Release of Defect Security – Sixty (60) to ninety (90) days before the expiration of the Defect Security and corresponding Maintenance Period, the developer/builder is required, in writing, to notify the **CONSTRUCTION REVIEW TEAM** of the impending expiration and to request that a final inspection of the accepted improvements be preformed. The official shall then conduct such final inspection within thirty (30) days before the expiration. If the official determines during the final inspection that the improvements are in satisfactory condition and repair, then the Defect Security shall be permitted to expire, and the developer/builder shall be released from further obligations under this Section, but the developer/builder is not necessarily released from any other liability which may exist at law. If the official determines during the

final inspection that the improvements are not in satisfactory condition or repair, then the official may require the developer/builder to correct the design deficiency, maintenance problem, etc. Failure of the developer/builder to correct the deficiency shall automatically result in a default in the Defect Security and continued civil liability against the developer/builder for any deficiency in the accepted improvements which may have occurred or become apparent during the two (2) year Maintenance Period or during a final inspection by the official, even if such deficiency is not discovered until after the expiration of the Defect Security and corresponding Maintenance Period. Similarly, the developer's/builder's failure to notify the official of the Defect Security expiration date and to request a final inspection shall also result in automatic default of the Defect Security and continued civil liability for deficiencies discovered after expiration of the Defect Security and corresponding Maintenance Period.

C. Reduction or Release of the **PERFORMANCE GUARANTEE** - Upon issuance of the Certificate of Completion for an approved development or construction stage of a development, the **PERFORMANCE GUARANTEE** for the improvements shall be reduced by the amount of the original cost estimate for the improvements covered by the Certificate of Completion. Where the Certificate of Completion covers all remaining required improvements, the guarantee shall be fully released.

8.01.11 Alternative Procedure – Installation Before Recording of Record Plat

In lieu of the filing of a **PERFORMANCE GUARANTEE** in accordance with requirements above, the **CONSTRUCTION REVIEW TEAM** may authorize the developer/builder to proceed with installation of required improvements prior to recording of a **RECORD PLAT** in accordance with the following procedure:

A. Review of the Plat - The **RECORD PLAT** application shall be reviewed in accordance with the procedures set forth in Part 7, except as follows.

1. Conditional **RECORD PLAT** Approval - Wherever the developer/builder is authorized to install improvements prior to recording of a **RECORD PLAT**, **PLANNING COMMISSION** approval of the Plat shall be conditioned upon the full completion of the improvements within one (1) year and in full conformance with the approved **CONSTRUCTION PLANS**.

2. Retention of Plat by **CONSTRUCTION MANAGEMENT TEAM** and applicable **ENGINEERING OFFICIAL** - The approved **RECORD PLAT** shall not be recorded, but shall instead be retained by the CRT until a Certificate of Completion is issued for the improvements in accordance with the requirements specified above.

3. Compliance With Other Requirements - During installation of the required improvements, the developer/builder shall be subject to all requirements of this Part pertaining to the construction, inspection, completion, and acceptance of such improvements.

4. Building Permits Prohibited - No building permits shall be issued for any building site within the proposed development until the improvements have been accepted by the **CONSTRUCTION REVIEW TEAM** and the Plat has been recorded.

5. Acceptance of the Required Improvements - Upon issuance of a Certificate of Completion for all required improvements by the **CRT**, the appropriate body shall accept responsibility for the maintenance of the improvements, subject to the provisions of the posted Defect Security.

6. Filing **PERFORMANCE GUARANTEE** for Remaining Improvements - During construction, the developer/builder may, by filing an acceptable **PERFORMANCE**

GUARANTEE for all the remaining improvements not yet accepted in accordance with these regulations, have a **RECORD PLAT** recorded.

8.01.12 Improvements Retained in Private Ownership

These requirements apply wherever improvements required by these regulations will be retained in private or common ownership and will not be dedicated to a public body.

A. **CONSTRUCTION DRAWINGS**. Construction and Inspection of Improvements - The developer/builder shall install, at their sole expense, all improvements required by this Part, in accordance with the approved **CONSTRUCTION DRAWINGS**. *(amended 8-27-07)*

B. Inspections - The CRT shall carry out inspections of all improvements during construction in accordance with the site inspection requirements of these regulations, and shall carry out tests of all private street improvements.

C. Certificate of Completion - The engineer, architect, or landscape architect of record shall submit to the CRT a certification that the required improvements have been installed and completed in accordance with the **CONSTRUCTION DRAWINGS** approved for the development.

D. **PERFORMANCE GUARANTEE** for Certain Improvements - When the CRT determines that the installation of the following improvements may be delayed without substantial detriment to the public health, safety, or welfare, or where necessary to coordinate such improvements with public expenditures or development on adjacent property, the developer/builder may be permitted to provide a **PERFORMANCE GUARANTEE** and an agreement to install such improvements at a later specified date. Such improvements shall be limited to:
   1. Improvements within public rights-of-way;
   2. Installation of sidewalks and bikeways; and
   3. Installation of required landscaping within the public right-of-way.

E. Same Procedure As Dedicated Improvements - The **PERFORMANCE GUARANTEE** and agreement shall be provided prior to the issuance of any Certificate of Occupancy, and, except for the effective period, shall be subject to all **PERFORMANCE GUARANTEE** requirements. During installation, the developer/builder shall be subject to all of the requirements of these regulations pertaining to the construction, inspection, and completion of such improvements.

8.01.13 Maintenance of Common Improvements and Open Space

Adequate ownership and management measures will be provided in residential and other developments to protect and perpetually maintain common open space and common improvements, to ensure their continued availability and utility for the residents or occupants of the development, and to prevent such facilities from becoming an unnecessary burden or nuisance to the general public or surrounding property. However, nothing in these regulations shall be construed as creating any obligation or liability upon the public to maintain such facilities or otherwise ensure their availability and condition. These regulations shall apply to all common open space and all common improvements that are required or provided pursuant to these regulations, the adopted **COMPREHENSIVE PLAN**, or other applicable laws and regulations. However, these requirements shall not apply to the following:

A. Dedicated Lands and Improvements - Any lands or improvements to be dedicated or conveyed to the public for designated or general public use.

B. Private Lands and Improvements - Any lands or improvements to be owned and maintained by a landlord for the benefit of lessees residing on or occupying leaseholds on the lot or parcel where

such lands and improvements are situated or on other lots or parcels owned by the landlord, as for typical multi-family or shopping center development.

C. Condominiums and Cooperatives - Any lands or improvements to be owned and maintained under a condominium or cooperative, which shall be established and regulated in accordance with Kentucky law.

8.01.14 Establishment of Means of Common Ownership/Management

Prior to approval of a **DEVELOPMENT PLAN** or **RECORD PLAT**, the developer/builder shall provide documents to establish a means of common ownership and management of all common open space and common improvements. Such documents shall establish an organization or entity to own and manage the open space and/or improvements, describe its membership and responsibilities, and include a maintenance and fiscal program for the improvements. In no event shall a Certificate of Completion be issued for a development involving common open space and/or improvements until the entity of common ownership and management has been incorporated.

8.01.15 Funding Mechanism Required

Prior to approval of a **DEVELOPMENT PLAN** or **RECORD PLAT**, the developer/builder shall provide and record documents to establish a funding mechanism for the maintenance of the common improvements and/or open space. The documents shall provide a method for the organization or entity to assess the property owners having beneficial use of the improvements and open space for the cost of their maintenance. The method of assessment shall provide the legal right for the organization or entity to impose liens against those properties for which payment of any assessment is not made. Collection of assessments and enforcing the payment thereof shall be the responsibility of the organization or entity and shall not be the responsibility of the public. The assessments imposed by the organization or entity shall not relieve property owners from any taxes, fees, charges, or assessments imposed by the **PLANNING COMMISSION**, Property Valuation Administrator, or any other governmental agency. The documents shall also provide for notice to purchasers and prospective purchasers of properties that the organization or entity shall have the authority to make assessments and impose liens as provided in these regulations.

8.01.16 Failure to Maintain Common Improvements and Open Space

Failure to maintain common improvements and/or common open space in accordance with these regulations, established standards and the developer's agreements, binding elements, and other documents establishing the improvements and/or open space shall be considered a violation subject to enforcement in accordance with the provisions of these regulations. In such cases, citations of violation shall be issued both to the organization or entity, and to all property owners, occupants, and lessees having beneficial use of or legal interest in the improvements and/or open space. The public shall not be required or obligated in any way to construct or maintain, or participate in any way in the construction or maintenance of the common improvements and/or open space.

8.01.17 Issuance of Building Permits Prior to Completion of Public Improvements

Building permits may be issued prior to the completion of construction and acceptance of public improvements subject to the following conditions and restrictions:

A. Certificates of occupancy may be issued prior to completion of the following site improvements:

1. Finish Grade Bituminous Asphalt of all streets

2. Sidewalks for entire development, but shall be in place for individual lot(s) requesting a Certificate of Occupancy.
3. Street trees
4. Improvements within designated open space/common areas
5. Other items as determined by the appropriate review agency and/or applicable PLANNING OFFICIAL; *(amended 8-27-07)*

The developer shall be required to submit a **PERFORMANCE GUARANTEE** in the amount of 125% of the construction costs to the applicable **PLANNING OFFICIAL** prior to the issuance of the Certificate of Occupancy.

B. Temporary potable water or sanitary sewer systems shall not be approved as interim measures for service provision pending completion and acceptance of public improvements;

C. The number of building permits that can be issued prior to completion of public improvements shall be determined by the applicable **PLANNING OFFICIAL.**

Part 9

Part 9 Street Naming, Closing, and Site Addressing Procedures

9.01.00 GENERALLY

9.01.01 Purpose

These standards and procedures are established to promote and protect the public health, safety, and welfare within Frankfort and Franklin County by providing common and effective methods for assignment of **STREET** names and site addresses, and permanent closure or abandonment of public **RIGHTS-OF-WAY**. Such methods ensure the efficient delivery of emergency services to individual homes and businesses, and appropriate determination of the continued use of lands dedicated for public purpose.

9.01.02 Effect

An application for a **BUILDING PERMIT** or **SUBDIVISION** plat shall not be approved if it contains **STREET** names or site addresses that have not been found to comply with the requirements and procedures provided herein.

9.02.00 STREET NAME CHANGES

9.02.01 Procedures

Applications for changing the name of any **STREET** shall be made in accordance with the following procedures.

A. Applications may be initiated by the **PLANNING COMMISSION**, any governmental unit having geographical jurisdiction over any part of the **THOROUGHFARE** or **STREET**, or property owners representing fifty-one (51) percent of all property owners whose property is adjacent to the affected **THOROUGHFARE** or **STREET;**

Commentary Pertaining to Section 9.02.01
The name change procedures for Thoroughfares are not intended to involve changes to the Federal or State number designation for the facility, such as US 60 or I-64. The types of changes to Thoroughfare names that are anticipated by these procedures would be those that have been identified by city or county authorities for a specific facility.

B. The following information items are required for acceptance of an application to change the name of any public or private **THOROUGHFARE** or **STREET**:

1. An application form available from the applicable **ENGINEERING OFFICIAL** that includes, at a minimum, the following information:

   a. The existing **THOROUGHFARE** or **STREET** name;
   b. The proposed **THOROUGHFARE** or **STREET** name;
   c. The reason for the request; and
   d. Signature and address of each applicant, or an affidavit authorizing an agent to act on behalf of an applicant.

2. Ten (10) copies of a scaled drawing showing the **THOROUGHFARE** or **STREET** involved, with names and addresses of all adjacent property owners along the **RIGHT-OF-WAY** as reflected by information and maps maintained by the Property Valuation Administrator. Vacant lots shall be designated on the scaled drawing.

3. The appropriate application fee.

C. Complete applications for a **THOROUGHFARE** or **STREET** name change shall be reviewed and action taken pursuant to the following procedures:

1. A notice of the proposal to change the **THOROUGHFARE** or **STREET** name and the date of the public hearing shall be sent to all property owners adjacent to the **THOROUGHFARE** or **STREET** and all governmental units having geographical jurisdiction.

2. The **PLANNING COMMISSION** shall hold a public hearing on all proposed **THOROUGHFARE** or **STREET** name changes. Publication of notice of the public hearing shall be in a newspaper of general daily circulation, in accordance with the provisions of KRS 424.

3. The **PLANNING COMMISSION** may waive the public hearing if all owners of property adjacent to the **THOROUGHFARE** or **STREET**, and affected governmental units having geographical jurisdiction, agree with the proposed change.

4. Following a public hearing concerning a proposed **THOROUGHFARE** or **STREET** name change, the **PLANNING COMMISSION** shall:

   a. If the **THOROUGHFARE** or **STREET** is entirely within the City of Frankfort, the **PLANNING COMMISSION** shall make a recommendation to the City Council for final action; or

   b. If the **THOROUGHFARE** or **STREET** is entirely within an unincorporated area of Franklin County the **PLANNING COMMISSION** shall make a recommendation to the Fiscal Court for final action.

9.03.00 PERMANENT STREET CLOSINGS

9.03.01 Procedures

A. Applications for permanent closing or abandonment of any public **RIGHT-OF-WAY** or **EASEMENT** shall be made in accordance with these procedures.

B. Applications for permanently closing or abandoning a public **RIGHT-OF-WAY** or **EASEMENT** may be initiated by the **PLANNING COMMISSION**, any governmental unit having geographical jurisdiction over the public **RIGHT-OF-WAY** or **EASEMENT**, property owners representing fifty-one (51) percent of all property owners that would be affected by the proposed closing or abandonment of the public **RIGHT-OF-WAY** or **EASEMENT**, or by property owners whose property includes more than fifty-one (51) percent of the linear front feet of the affected street or publicly dedicated lands.

C. The following items are required for acceptance of an application to permanently close or abandon a public **RIGHT-OF-WAY** or **EASEMENT:**

1. Application - An application form available through the applicable **ENGINEERING OFFICIAL** that includes, at a minimum the following information:

   a. A description of the public **RIGHT-OF-WAY** or **EASEMENT** that is the subject of the application;

   b. The reason for the request;

   c. The application shall be signed by all owners, mortgages, and contract purchasers of the property or documentation shall be submitted signifying the owner's approval or consent; and

   d. The applicant may be requested to provide other information including, but not be limited to, traffic impact analyses and utility relocation data.

2. Plat of Survey – Ten (10) copies of a plat of survey that accurately delineates and describes the area proposed for permanent closure or abandonment, inclusive of the **STREET** name where appropriate. A metes and bounds legal description signed and sealed by a registered **LAND SURVEYOR** of the area to be closed or abandoned shall be required;

3. **DEVELOPMENT PLAN** - If the closing or abandonment is requested in connection with a proposed development, a **DEVELOPMENT PLAN** of the development shall be submitted with the application. Where transportation or utility facilities are to be relocated, the development plan shall indicate specific locations for the relocation of these facilities.

4. Notification List - The applicant shall provide a list of the names and mailing addresses of all property owners adjacent to the proposed **STREET** closing, or abandonment of land dedicated for public use, as defined by the nearest intersecting **STREETS**. This list may be prepared from maps and records maintained by the Franklin County Property Valuation Administrator. In addition, ten (10) copies of a map shall be provided illustrating the location of each of the property owners identified above. Vacant lots shall be designated on the map. A list of all utility service providers with rights and or facilities located within the street right-of-way or land dedicated for public use shall also be provided.

5. Notarized Consent - The applicant shall provide, where applicable, an original and one (1) copy of each notarized consent from property owners adjacent to the proposed **STREET** closing, or to property proposed for an abandonment of the public use.

6. Fee - The appropriate application fee.

D. Considerations for Approval of a **STREET** Closing or Abandonment - The **PLANNING COMMISSION**, or its designated review agency or committee, and appropriate legislative body, shall review applications for a **STREET** closing or abandonment and make findings for the following factors.

1. Adequate Public Facilities- Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site) exceeding the capacity of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar facilities and services. No abandonment for any public **RIGHT-OF-WAY**, **EASEMENT**, or other land dedicated to the use of the public shall be approved where an identified future need for the facility exists. Where existing or proposed utilities are located within the **RIGHT-OF-WAY** to be abandoned, it shall be retained as an **EASEMENT**.

2. Cost for Improvement - The cost for a **STREET** closing, or abandonment of any **EASEMENT** or land dedicated to the use of the public, shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent **RIGHTS-OF-WAY** or relocation of utilities within an existing **EASEMENT.**

3. Other Matters - Any other matters which the **PLANNING COMMISSION** deems relevant and appropriate.

E. Review and Action for Applications - Complete applications for a **STREET** closing or abandonment shall be reviewed and action taken under the following procedures.

1. A notice of the proposal and the date of the public hearing shall be sent to all property owners adjacent to the **STREET**, all utility service providers with rights to or facilities within the public right-of-way or land dedicated for public use, and all governmental units having geographical jurisdiction.

2. The **PLANNING COMMISSION** shall hold a public hearing on any proposed street closing or abandonment. Publication of notice of public hearing shall be in a newspaper of general daily circulation, in accordance with the provisions of KRS424.

3. The **PLANNING COMMISSION** may waive the public hearing if all owners of property adjacent to the **STREET** proposed for closure or abandonment, and affected governmental units having geographical jurisdiction, agree to the proposed change.

4. Following a public hearing concerning a proposed **STREET** closure or abandonment, the **PLANNING COMMISSION** shall:

   a. If the **STREET** is entirely within the City of Frankfort the **PLANNING COMMISSION** shall make a recommendation to the City Council for final action; or,

   b. If the **STREET** is entirely within an unincorporated area of Franklin County the **PLANNING COMMISSION** shall make a recommendation to the Fiscal Court for final action.

9.04.00 NAMING OF STREETS

9.04.01 Procedures

A. The assignment or change of all public and private street names shall be approved by the **PLANNING COMMISSION** or its designated representative. **STREET** names that have been approved by the **PLANNING COMMISSION** are considered official **STREET** names and are to be included in the Frankfort and Franklin County Street Index File "SIF".

B. The **TECHNICAL REVIEW TEAM ("TRT")** and Dispatch 911 will be responsible for coordination with fire and police departments, public agencies, utility providers, and others for the assignment or change of **STREET** names. This coordination will occur during the **STREET** name approval processes defined in this Part. The TRT will also be responsible for notification of all appropriate agencies of approved **STREET** names that have been entered into the SIF.

C. How **STREET** Name Assignments May be Initiated - The approval process for new **STREET** names may be initiated as part of any of the following development approval procedures. Applicants for preliminary **SUBDIVISION** plat review are encouraged to seek **STREET** name approval as part of the preliminary plat application.

1. Preliminary Plat for **MAJOR SUBDIVISION - STREET** names may be submitted for approval with a Preliminary Plan for **MAJOR SUBDIVISION**. Approval of a Preliminary Plan with **STREET** names may be given by the **PLANNING COMMISSION**, the TRT or the applicable **ENGINEERING OFFICIAL**. A **STREET** name review fee is not required for street name assignments that are part of an application for preliminary **SUBDIVISION** plan review.

2. **RECORD PLAT** for **MAJOR SUBDIVISION - STREET** names may be submitted for approval with a **RECORD PLAT** for **MAJOR SUBDIVISION**. Approval of the **RECORD PLAT** with **STREET** names may be given by the **PLANNING COMMISSION**, the TRT or the applicable **ENGINEERING OFFICIAL**. A **STREET** name review fee is not required for **STREET** name assignments that are part of an application for **RECORD PLAT FOR MAJOR SUBDIVISION**.

3. **MINOR SUBDIVISION PLAT - STREET** names must be submitted for approval with a **MINOR SUBDIVISION PLAT.** Approval of the plat with **STREET** names may be given by the **PLANNING COMMISSION**, the TRT, or the applicable **ENGINEERING OFFICIAL**. A **STREET** name review fee is not required for **STREET** name assignments that are part of an application for **MINOR SUBDIVISION PLAT** approval.

4. Condominium Property Regime Plan: **STREET** names may be submitted for approval with a Condominium Property Regime Plan. Approval of the plan with **STREET** names may be given by the **PLANNING COMMISSION**, the TRT, or the applicable **ENGINEERING OFFICIAL**. A **STREET** name review fee is not required for **STREET** name assignments within condominium property regime plans.

5. Development Plan Review -: **STREET** names may be submitted for approval with a **DEVELOPMENT PLAN** application. Approval of **STREET** names may be given by the **PLANNING COMMISSION**, TRT or the applicable **ENGINEERING OFFICIAL**. A **STREET** name review fee is not required for **STREET** name assignments that are part of an application for **DEVELOPMENT PLAN** review

6. **STREET** Name Change: **STREET** name assignment requests that cannot be submitted as part of one of the development approvals listed above may utilize the **STREET** name change application process. Approval of these types of requests may be given by the **PLANNING COMMISSION**, TRT, or applicable **ENGINEERING OFFICIAL**. A **STREET** name review fee is required for street name assignments.

D. Time Limits for **STREET** Name Approvals **- STREET** name approvals are limited to the effective period of the associated development approval as provided in these regulations. For example, a **STREET** name approval, that is part of a preliminary **SUBDIVISION** plan approval, is effective for one (1) year. At the end of the one (1) year period, the preliminary **SUBDIVISION** plat and **STREET** name approvals would expire if the applicant has not filed a **RECORD PLAT** for the property or requested an extension of the preliminary approval as provided in these regulations.

E. Reservation of **STREET** Names - Property owners and registered agents may apply to the **PLANNING COMMISSION** for a **STREET** name reservation. **STREET** name reservations have a maximum effective period of six (6) months and may not be extended except through a new application process. A **STREET** name review fee is required.

F. Duplication of Existing **STREET** Names Not Permitted - Duplication of **STREET** names will not be permitted in order to eliminate potential confusion about the appropriate emergency response. **STREETS** with the same name but different **STREET** type designations will be considered duplicate street names (e.g., Chesterfield Drive or Chesterfield Road). Proposed **STREET** names and name changes will be compared with **STREET** names listed in the SIF to determine if the proposal would create a duplicate name.

G. Similar, Confusing, or Offensive Spelling of **STREET** Names Not Permitted -Similar (text or phonetic) or confusing spelling of **STREET** names will not be approved in order to eliminate diction problems when individuals are reporting **STREET** names under stress. The following are examples of the issues described in this section:

Example	Problem
Stonehenge vs. Stonehedge	Similar Spelling
Rumplestiltskin	Difficult to spell
Jotunheimen	Obscure
Phunny	Phonetically confusing spelling

H. Length of **STREET** Names - New **STREET** names shall not contain more than 22 characters, which does not include either the direction (north, east, etc.) or the **STREET** type (lane, drive, etc.). Names shall not contain hyphens, apostrophes, or other non-letter characters. New **STREET** names shall not contain more than two words, exclusive of direction or **STREET** type.

I. Permanent Voids (Use of Same Name For Interrupted **STREETS**) - In order to preserve the continuity of **STREET** names, and accommodate permanent interruptions to **STREETS,** including limited access freeways, streams, or railroad facilities, the same **STREET** name should be continued on both sides of a permanent physical interruption to the road.

J. Continuation of **STREET** Names - **STREETS** continuing through an intersection shall keep the same name. Commercial, multi-family, or townhouse developments with an entrance through a publicly maintained **CUL-DE-SAC**, shall be required to have a separate **STREET** name for the entrance or access road in the event that it serves or is intended to serve two or more address numbers.

Commentary Pertaining to Section 9.03.01 (J)

When reviewing plats and plans that are sections of a larger development, the overall development plan should be reviewed to gain an understanding of where streets that may be shown as stubs are to be continued. This is particularly important to determine the direction for assignment of address ranges, odd and even number orientation, and interface of block divisions with street intersections. Street names should not be changed due to a change in direction of the street, nor should a new prefix be used for those streets that meet the criteria for using a directional indicator in the street name.

K. Use of Directional Indicators in **STREET** Names - Directional indicators, such as north and west, should not be included in **STREET** name proposals as a prefix or suffix to a **STREET** name. When **STREETS** cross the east/west or north/south zero baselines, the appropriate directional indicator may be assigned as part of the **STREET** name approval process.

L. **STREET** Type Designations - **STREET** type designations shall be assigned by the **PLANNING COMMISSION** or its designee. **STREET** names submitted for review will be evaluated for conformance with the criteria provided below. **STREET** type designations that appear on approved subdivision, site, and condominium plans shall be consistent with approved designations. Abbreviations of **STREET** type designations shall be consistent with National Emergency Number Association standards as depicted in Table 9.1. See Table 9.1 below for the categories that comprise the range of **STREET** types that may be approved.

M. Street type designations that are proposed that do not meet the criteria listed below will not be approved.

Table 9.1 Street Type Designations

Category	Criteria	Possible Street Type Designations
Limited Access Roadway	Four or more lanes, divided, limited access	Pike, Freeway, or Expressway
Major Arterials	Multi-lane, high volume, through movement of traffic	Thoroughfare, Avenue, Road, Boulevard, Parkway (County Designated) Highway
Minor Arterials and Collectors	Two or more lanes, moderate traffic volumes and trip lengths	Avenue, Street, Road, Drive, Trace
Neighborhood Streets, Major, Main, Minor	Two or more lanes, provide access to individual residences or businesses	Lane, Drive, Way, Circle, Trail, Loop
Residential or Commercial Cul-de-sacs	Typically two travel lanes, providing access to fewer than twenty sites	Court, Place, Terrace
Shopping Center ingress/egress	Typically two travel lanes, providing access to business sites within a larger planned development	Square, Arcade, Center, Plaza
Service Facilities	One or more travel lanes providing service access to residences and businesses	Alley, Walk, Court, Terrace

9.05.00 STREET ADDRESS ASSIGNMENT

9.05.01 Procedures

A. **STREET** Address Assignment - Address assignments include residential and commercial **LOTS** of record, condominium and apartment units, individual business, office and commercial uses and sites, and accessory structures and uses that represent separate living or business units.

B. Address Grid System - Each new **SUBDIVISION LOT**, commercial unit, apartment, condominium, or townhouse shall be assigned an address based on the **STREET** providing access to the parcel. Addresses shall be assigned based on a countywide grid system. The grid system allows a series of numbers to be assigned for approximately every 500 feet of acreage cover. The address grid includes the NW, NE, SW, and SE quadrants of Franklin County and uses primary routes within the County as zero baselines.

C. Address Grid Baselines - Franklin County's address numbering system shall be on a grid system that divides the County into quadrants establishing zero baselines from which numbers are assigned. The grid system, as shown on the Addressing Grid Map on file in the office of the applicable **ENGINEERING OFFICIAL**, indicates the point at which block numbers will change in increments of 100. Assigned address numbers under the grid system will ascend numerically from 100 to the North and to the South based on (insert **STREET** name) as the boundary or zero base line for **STREETS** that are aligned basically North and South. **STREETS** that are aligned basically East and West shall be assigned address numbers ascending numerically from 100 to the East and to the West based on (insert **STREET** name) as extended to the county boundary representing the boundary or zero baseline. The directional orientation of a **STREET** shall be determined by the applicable **ENGINEERING OFFICIAL** or the **PLANNING COMMISSION**. Numbers on the North side of the East-West **STREETS** shall be odd and numbers on the South side of the East-West **STREETS** shall be even. Numbers on the West side of North-South **STREETS** shall be even and numbers on the East side of North-South **STREETS** shall be odd.

D. Application of Address Grid - Application of the address grid will vary, as few **STREETS** run directly north, south, east, or west. Most **STREETS** run at angles to the cardinal directions and often change direction. The primary consideration for assigning addresses on **STREETS** that diverge from the cardinal directions is the even distribution of address numbers. The grid should be used to assist in assigning numbers by orienting the grid parallel to the direction of the **STREET**. In this manner, an appropriate distance between address numbers can be maintained.

E. Odd and even address numbers shall be assigned as follows: odd numbers shall be assigned to the east and north sides of **STREETS**, and even numbers should be assigned to the west and south sides of **STREETS.**

F. Addressing Single-Family Dwelling **LOTS** - Addresses for single-family dwelling **LOTS** shall be assigned consecutively on the odd and even sides of the **STREET**, and one additional address per **LOT** to may be reserved to accommodate accessory dwelling units. Addressing Townhouse Developments - Addresses for townhouse units shall be assigned consecutively on the odd and even sides of the **STREET**. A separate **STREET** address number shall be assigned for each townhouse **LOT**. No unit numbers, such as apartment numbers, shall be assigned to townhouse developments.

G. Commercial, office, and warehouse developments with variable spaces shall be evaluated for address assignment based on the minimum frontage and the maximum potential number of units. Large stores, offices, and warehouses may be divided into smaller spaces many years after the center is constructed and that potential must be taken into account to avoid potential readdressing.

H. Addressing Commercial Shopping Centers - Commercial shopping centers shall be addressed in a manner similar to townhouses. However, the primary difference is that the frontage dimension for each store may change as the use changes. Site development plans for shopping centers should include the maximum number of potential use units within the center in order to provide the maximum number of addresses. The location of the door to an individual use unit providing primary access is the critical factor in determining which available address applies. In the event that a shopping center may allow more street addresses than are available with the segment of street, the **PLANNING COMMISSION** may assign one **STREET** address to the shopping center as a whole, and assign unit numbers for each of the potential use units within the center. Unit numbers for the stores should run as consecutive whole numbers in the same direction as the addresses on the **STREET**. Unit numbers should begin with 101 and progress until all use units have been addressed. No lower numbers, including 100, shall be used. The same procedure and information shall be used in assigning addresses and unit numbers for office and warehouse developments.

I. Addressing Commercial Shopping Malls - Malls should be addressed with one **STREET** address number assigned to the **STREET** intersecting with the main entrance. Separate address numbers should not be assigned to each entrance of shopping malls as opposed to apartment buildings. The maximum number of stores will be included on the site development plans as well as the minimum potential store frontage. Based on this information, unit numbers should be assigned using an odd and even distribution on either side of the mall corridor(s). Unit numbers shall begin with 101 on the odd side and 100 on the even side. In malls with multiple corridors, each corridor should be assigned numbers in higher hundred divisions. For example, stores in one corridor may run from 100 to 147, and stores in an adjoining corridor would run from 200 to 248. In this manner, it will be easier to locate a store in an emergency by providing a logical separation between corridors of a mall.

J. Addressing Multi-Family Dwellings - These procedures include residential and office buildings of the same construction design as apartment buildings. Multi-family housing units, such as apartments and condominiums, will have a separate whole number **STREET** address assigned to each door/entrance providing access to units within an individual building(s). Street addresses shall be assigned based on the normal criteria for assignment, skipping numbers in accordance with the grid and using the appropriate odd and even numbering scheme for building entrances. Within vertical dwelling structures, a consecutive whole unit number (referred to as apartment, suite, or unit number) should be assigned for each separate dwelling unit. The numbers shall be assigned from left to right as viewed from the common entrance. The lowest floor shall begin with 101, progressing with 102, 103, etc., until all units have been assigned unit numbers. Successively higher floors shall begin with successively higher increments of hundreds. The complete official **STREET** address for each unit will consist of the **STREET** address, **STREET** name, and unit number. When a single story multi-family structure has frontage along two **STREETS**, and has doors/entrances to individual dwelling units from each **STREET**, a separate **STREET** address will be assigned to each dwelling unit.

K. Addressing Marinas - This procedure includes all water-based facilities for the long term (more than six (6) months) docking and storage of boats that may be used as dwelling units. Marina's shall be addressed in the following manner. The marina will be assigned a **STREET** address, and each dock providing access to individual boat slips shall be designated by a letter of the alphabet, beginning with "A" for the dock closest to the **STREET** entrance to the marina. A whole unit number (1, 2,. etc.) shall be assigned for each separate boat storage slip beginning on the right side of the dock and continuing around the dock to the slip closest to the beginning of the dock on the

left side. The complete official **STREET** address for each unit will consist of the **STREET** address, **STREET** name, dock indicator (alpha), and slip indicator (numeric).

L. Assignment of Addresses to Corner Lots - Residential and commercial **LOTS** that have frontage on two (2) streets, regardless of whether the streets are private or public, shall be assigned an address from the **STREET** frontage with the narrowest dimension of the **LOT**. An exception to this standard may be granted by the **PLANNING COMMISSION** upon application and with the approval of Dispatch 911.

9.06.00 ADMINISTRATION OF THESE REGULATIONS

9.06.01 Procedures

A. Authority of **PLANNING COMMISSION** to Change **STREET** Names - The **PLANNING COMMISSION** may change, name or rename an existing or newly established **STREET** at any time as defined herein. Dispatch 911 shall be notified prior to final action on any name change.

B. Authority, Duties and Responsibilities of **ENGINEERING OFFICIAL**

1 The **ENGINEERING OFFICIAL** shall be responsible for the interpretation, administration, and enforcement of all aspects of these procedures that are not the specifically reserved authority of the **PLANNING COMMISSION**, and shall have the necessary authority to ensure compliance herewith, including the issuance of violation notices and any other appropriate action. Approval of all **STREET** names and addresses will be in cooperation with Dispatch 911.

2 The applicable **ENGINEERING OFFICIAL** shall maintain records of all addresses for each property and building on the parcel identification maps. Such records and maps shall be made available to all public safety, law enforcement and emergency agencies for their use in the performance of their respective duties.

3. When **STREET** address numbers are noted by the **ENGINEERING OFFICIAL** as either incorrect or otherwise in need of reassignment, the **ENGINEERING OFFICIAL** shall have the authority to effect and order a change in address in accordance with the provisions contained herein.

C. Cooperation with Dispatch 911 - Cooperation with Dispatch 911 for assignment and change of **STREET** names shall be accomplished through the **TECHNICAL REVIEW TEAM**. This team, of which Dispatch 911 is a named participating agency, will provide the venue in which the **PLANNING COMMISSION**, **ENGINEERING OFFICIALS** and Dispatch personnel can review and approve **STREET** names, name changes, and emergency service area boundaries.

D. Enforcement of Numbering System

1 Whenever there is reason to believe that any person is in violation of any provision of this ordinance, the **ENGINEERING OFFICIAL** shall give notice of such violation to the person failing to comply with any such provision and order said person to take such corrective measures as are necessary within 30 days from the date of notification. Said notice shall also advise that the recipient may, within 30 days from the date of notification, submit written evidence of why there is no violation of this ordinance.

2 Such notice and order shall be sent certified mail, with return receipt requested, to the person allegedly committing or permitting the violation. The date shown on the return receipt shall be the date from which the 30-day period shall commence for compliance or submission of written evidence of non-violation.

3. If such person fails to comply with the order issued pursuant to this section, the **ENGINEERING OFFICIAL** may initiate such actions as are necessary to terminate the violation, including criminal citations and applying to courts of competent jurisdiction for injunctive relief, or any other appropriate action.

E. Preparation of **STREET** Name and Address Maps, and Address Files – The **ENGINEERING OFFICIALS** for the City and County shall have prepared and shall maintain a series of maps of the entire county and such maps, to the extent possible, shall depict each **STREET** and property address. The official **STREET** name, address maps and address files, and ESN boundaries shall be kept on computer files that are available in the offices of the applicable **ENGINEERING OFFICIAL**.

F. Display of Address Number - Address numbers shall be displayed in clear view with 3 inch high lettering, with a minimum of a half-inch stroke.

G. Building and Occupancy Permits - Duty of Owner

1 No **BUILDING PERMIT** shall be issued for any structure until the owner or developer has procured the official address number of the premises.. A certificate of occupancy for any structure erected or repaired shall be withheld until permanent and proper address numbers have been affixed to such structure in accordance with these requirements.

2 In the event that a structure is modified in use or design so that either a change in address or the assignment of additional addresses is required for continued compliance with this ordinance, the changed address or additional addresses must be acquired in accordance with the provisions of this article. No **BUILDING PERMIT** or certificate of occupancy shall be issued until the proper **STREET** address number(s) for a modified structure has been assigned.

H. Penalty - Any person, firm or corporation failing to comply with these provisions after written notice is issued by the applicable **ENGINEERING OFFICIAL** shall be guilty of a violation and fined not less than $10 or more than $25, and each day during which the violation exists shall be deemed a separate offense.

Table 9.2
NENA* Recommended Abbreviations - Streets and Thoroughfares
*National Emergency Number Association

Suffix	Abbre.**	Suffix	Abbre.**	Suffix	Abbre.**	Suffix	Abbre.**
Alley	Aly	E	Est	Lock	Lcks	Shoar	Shr
Annex	Anx	Expressway	Expy	Lodge	Ldg	Shore	Shr
Arcade	Arc	Extension	Ext	Loop	Loop	Spring	Spg
Avenue	Ave	Fall	Fall	Mall	Mall	Spur	Spur
Bayou	Byu	Ferry	Fry	Manor	Mnr	Square	Sq
Beach	Bch	Field	Fld	Meadow	Mdws	Station	Sta
Bend	Bnd	Flat	Flt	Mill	Ml	Stravenue	Stra
Bluff	Blf	Ford	Frd	Mission	Msn	Stream	Strm
Bottom	Btm	Forest	Frst	Mount	Mt	Street	St
Boulevard	Blvd	Forge	Frg	Mountain	Mtn	Summit	Smt
Branch	Br	Fork	Frk	Neck	Nck	Terrace	Ter
Bridge	Brg	Fort	Ft	Orchard	Orch	Trace	Trce
Brook	Brk	Freeway	Fwy	Oval	Oval	Track	Trak
Burg	Bg	Garden	Gdns	Park	Park	Trail	Trl
Bypas	Byp	Gateway	Gtwy	Parkway	Pky	Trailer	Trlr
Camp	Cp	Glen	Gln	Pass	Pass	Tunnel	Tunl
Canyon	Cyn	Green	Grn	Path	Path	Turnpike	Tpke
Cape	Cpe	Grove	Grv	Pike	Pike	Union	Un
Causeway	Cswy	Harbor	Hbr	Pine	Pnes	Valley	Vly
Center	Ctr	Haven	Hvn	Place	Pl	Viaduct	Via
Circle	Cir	Height	Hts	Plain	Pln	View	Vw
Cliff	Clfs	Highway	Hwy	Plaza	Plz	Village	Vlg
Club	Clb	Hill	Hl	Point	Pt	Ville	Vl
C orner	Cor	Hollow	Holw	Port	Prt	Vista	Vis
Course	Crse	Inlet	Inlt	Prairie	Pr	Walk	Walk
Court	Ct	Island	Is	Radial	Radl	Way	Way
Cove	Cv	Isle	Isle	Ranch	Rnch	Well	Wls
Creek	Crk	Junction	Jct	Rapid	Rpds		
Crest	Cres	Key	Ky	Rest	Rst		
Crescent	Cres	Knoll	Knls	Ridge	Rdg		
Crossing	Xing	Lake	Lk	River	Riv		
Dale	Dl	Landing	Lndg	Road	Rd		
Dam	Dm	Lane	Ln	Row	Row		
Divide	Dv	Light	Lgt	Run	Run		
Drive	Dr	Loaf	Lf	Shoal	Shl		

** Abbreviations include the plural of the suffix (i.e., the abbreviation for bluffs would be Blf

Part 10

Part 10 Definitions

10.01.00 DEFINITIONS

Abutting – Touching and sharing a common point or line. This term shall not be deemed to include parcels which are across a street or public right-of-way from each other.

Adjacent or Adjoining – Near to but not necessarily touching; sharing a common boundary which may include a street or public right-of-way.

Agricultural Use (from KRS 100.111 (2)) – 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 for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public; (b) regardless of the size of the tract of land used, small wineries licensed under KRS 243.155, and farm wineries licensed under the provisions of KRS 243.156; (c) a tract of at least five (5) contiguous acres used for the following activities involving horses....; or (d) a tract of land used for the following activities involving horses....".

Average Lot Area - The sum of the area of all lots divided by the number of lots for which area was summed.

Block - A surface land area that is separated, and distinguished from other surface land areas by visible physical boundaries such as streets, railroads, rivers, extremely steep land, or other physical barriers.

Block Face - The portion of a Block that abuts a Thoroughfare or Neighborhood Street.

Blue Line Stream, Solid - A stream defined and designated as such on seven and one-half (7½) minute quadrangle topographic maps published by the U.S. Geologic Survey.

Buffer (or buffering) - The use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

Buildable Area - The area of a lot determined by building placement standards and/or setback requirements and not included within an open space that is required by regulation or action of the Planning Commission.

Building - Any permanent structure designed or built for the support, shelter or protection of persons, animals, chattels or property of any kind. This term includes manufactured homes, but does not include awnings, canopies, or similar structures.

Building Official - The designated representatives of the City of Frankfort and Franklin County who are responsible for the administration and enforcement of building regulations.

Building Placement or Setback Standards - Standards governing the location of principal and accessory structures on a lot or building site.

Building Permit - A permit issued by the Building Official, Planning Director or designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure, or portion thereof.

Building Placement or Setback Line - A line drawn parallel to a lot line at a distance equal to the depth of a required yard. The term also includes front yard setback, side yard setback, rear yard setback, privacy building line and street building line.

Building Site - Any group of one or more lot(s) or parcel(s) occupied or intended for development as a unit, whether or not as part of a larger Development Site. Building site area does not include surface water bodies or floodways, but does include wetlands.

Caliper - The diameter of a tree trunk, usually measured at four and one-half (4 ½) feet above the natural grade of the surrounding ground.

Certificate of Completion – A written document issued by an Engineering Official certifying that specific improvements to be dedicated for public use have been installed and/or completed in compliance with all approved development and/or construction plans, permits and applicable regulations and standards, and the improvements are accepted for the use for which they were intended.

Certificate of Occupancy – A written document certifying that a building or structure has been installed and/or completed in compliance with all approved development and/or construction plans, permits, and applicable regulations and standards, and the building or structure can be used in the manner for which it was intended.

Civic Building - A building that houses a civic use.

Civic Green - A primarily unpaved, formally configured, small public lawn or park surrounded by canopy street trees.

Civic Use - Buildings and facilities owned, operated or reserved by a corporation or association of persons for civic, social, fraternal or recreational purposes and not operated or maintained primarily for profit.

Cluster System - An on-site sewage disposal system that accepts effluent from the pre-treatment unit of more than one (1) structure or facility and transports the collected effluent through a sewage system to one (1) or more common subsurface soil absorption system(s) of conventional, modified, or alternative design.

Common Access Easement - An unobstructed passageway for two (2) or more lots, typically crossing or occupying a portion of more than one (1) lot, which provides access to garages, utilities, and services such as garbage collection.

Common Area (includes the term open space lot)- Any part of a development designed and intended to be used in common by the owners, residents, or tenants of the development and by the general public if the area is so designated. These areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the owners, residents, tenants, and/or the general public.

Common Improvements - All streets, driveways, parking spaces, and other vehicular use areas, and all uses, facilities, structures, buildings, and other improvements, or portions thereof, which are designed and provided for the common use, benefit, and enjoyment of all residents or occupants of all or a designated portion of a development or neighborhood, or for the protection of adjacent properties.

Common Lot Lines - Lot lines shared by private lots, generally side lot lines, perpendicular to the street.

Common Open Space - All open space, or portions thereof, including landscaping, screening, and buffering, which is part of a Common Area.

Comprehensive Plan - The plan for the physical development of the area within the jurisdiction of the Planning Commission, which has been adopted by the Planning Commission, the Franklin County Fiscal Court, and the City of Frankfort Commission.

Construction Easement - A temporary easement designed to accommodate grading, sloping and other construction related activities outside a permanently dedicated right-of-way or easement.

Construction Plans - The maps or drawings accompanying a record subdivision plat or site plan and showing the specific location and design of improvements to be installed for the subdivision or site in accordance with the requirements of the Subdivision and Site Plan Regulations. This term also includes Construction Drawings.

Construction Review Team – A Committee of representatives of City or County departments and utility companies established by the Planning Commission for the purpose of conducting a technical review, inspections and final approval of Record Plats, Construction Plans, Performance and Defect Guarantees, to insure compliance with the provisions of the Zoning Ordinance, Subdivision and Site Plan Regulations and other land development standards.

Conservation Easement - The grant of a property right stipulating that the described land will remain in its natural or existing state and limiting further future or additional development.

Cul-de-Sac - See Street.
Curb - The stone or concrete boundary at the edge of the pavement of a street, which also usually includes gutters.

Day - Unless otherwise specified, the term mean's calendar day.

Deceleration Lane - An added roadway lane that permits vehicles to slow down and leave the main vehicle stream.

Dedication - The transfer of property from the owner to another party.

Deed - A legal document conveying ownership of real property.

Deed Restriction - See Restrictive Covenant.

Developer - Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who lay's out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

Development - Except where the context otherwise requires, "development" shall mean the performance of any man-made change to improved or unimproved real estate including, but not limited to, building or mining, dredging, filling, grading, paving, excavating, or drilling operations; the permanent storage of materials and equipment; the making of any material change in the use or appearance of any structure or land; the division of land into two (2) or more parcels; and any construction of improvements to facilitate a residential, commercial, business, industrial, or public use.

Development Plan, also includes the term Site Plan - Written and graphic material for the provision of a development, including any or all of the following: location and bulk of buildings and other structures, intensity of use, density of development, streets, ways, parking facilities, signs, drainage of surface water, access points, a plan for screening or buffering, utilities, and existing, manmade and natural conditions.

Commentary
The definition of "Development Plan" has been taken from the Kentucky Revised Statutes, Chapter 100.111 and modified. It generally refers to the Development Plan that is a required submittal for the review and action by a Planning Commission in regard to applications for Zoning Map Amendment.

Development Site - The property under consideration for a development, which may contain one (1) or more Building Sites and shall be under single ownership at the time of application. When the Development Site contains more than one (1) Building Site, the applicable Development Plan setback requirements shall be established from the Development Site Perimeter.

Easement - Any strip of land for public or private utilities, drainage, sanitation, access, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of servitude.

Easement, Conservation - A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

Easement, Garden - An easement area between a privacy building line and the common lot line.

End Lot - A lot in which one (1) side lot line is adjacent to the street.

Engineer - A person currently registered and licensed to practice engineering by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Engineering Official – The City of Frankfort, Kentucky, and the Engineer appointed therefore; the County of Franklin, Kentucky, and the Engineer appointed therefore.

Erect - To build, construct, reconstruct, alter, relocate, raise, assemble, attach, hand, place, suspend, or affix, including the painting of wall signs.

Family - A group of one (1) or more persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, but no unrelated group shall consist of more than five (5) persons, as distinguished from a group occupying a boarding or lodging house, motel, or hotel.

Family Member - The person or persons who are members of a family. When used in conjunction with an In-Family Conveyance, a family member is the person or persons who are the grantees of the conveyance, are members of the immediate family of the grantor, and are related to the grantor by birth, adoption, or marriage.

F.E.M.A. - The U.S. Federal Emergency Management Agency or any successor agency.

Fill - A deposit of soil, rock, or other non-deteriorating material used to replace or supplement the original soil or subsoil

Fill, Construction - A term used to describe the fill upon which any permanent structure or human occupancy or other permanent construction for human use (such as roads, parking areas, etc.) shall be built.

Fire Department Official - The City of Frankfort, Kentucky, and the Chief of the Fire Department or designee appointed therefore; the County of Franklin, Kentucky, and the Chief of the Fire Department or designee as appointed therefore.

Floodplain - Low-lying land that is susceptible to flooding from any source. The floodplain consists of two (2) sections--the floodway, which is the channel for a watercourse and that portion of land needed for the passage of a determined amount of water (normally a 100-year flood), and the flood fringe or that portion of the floodplain outside the floodway, but still subject to flooding.

Floor Area Ratio - The ratio of gross floor area of a building or buildings on a lot divided by the net area of the building site.

Front Porch - The ground floor platform attached to the front or street side of the main building.

Front Property Line - The shorter building lot line which coincides with the right-of-way of the street or other defining element such as a sidewalk or common open space. In the case of a building lot abutting only one (1) street the frontage line is the line parallel to and common with the edge of the sidewalk. In the case of a corner lot, the part of the building lot having the narrowest frontage on any street shall be considered the frontage line.

Front Yard - The primary area of the lot from the street frontage to the enclosed portion of the building wall. This area is contiguous with the street and includes the front porch and front wall of the building.

Geologic Hazard Area - An area in which environmental problems are so numerous that even severely limited development could pose a serious problem to the immediate or surrounding areas. Examples include excessive floodplain areas, clustering of sinkholes, cliff areas, areas that have potential collapse problems due to underground caves near the surface, and similar areas.

Grade - It is the average elevation of the finished ground surface at the outside of a fence or wall, or at the outside walls of a building. In cases where walls or fences are parallel to and within five (5) feet of a sidewalk, said ground level shall be measured from the elevation of the sidewalk. If there is no sidewalk, and a wall or fence is parallel to and within five (5) feet of the roadway pavement, ground level shall be measured from the elevation of the roadway pavement.

Grading - Any stripping, cutting, filling, or stockpiling of earth or land, including land in its cut or filled condition, to create new grades.

Greenway - A linear open space, at least thirty feet (30) wide, established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or overland along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route designed and managed for public use including wildlife habitat. A greenway is an open space connector linking parks, nature preserves, cultural features, or historic sites with each other and with populated areas.

Groundwater - The supply of freshwater under the surface in an aquifer or geologic formation that forms the natural reservoir for potable water.

Home Owners' Association - A community association, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities. Participation in the association may be mandatory.

Improvements (or Site Improvements) - Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots; and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monument, permanent control points, or any other improvement required by these regulations.

Infrastructure - Facilities and services needed to sustain industrial, residential, commercial, or other land use activities.

Land Clearing - Removal of all trees and/or vegetation from the land surface to the mineral soil.

Landscaping - Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and architectural landscape features and material.

Land Surveyor - A person currently registered and licensed to practice land surveying by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Land Use - A description of how land is occupied or utilized. The terms "land use" and "use of land" shall be deemed also to include building use.

Lot - The least fractional part of land having fixed boundaries, and (when part of a subdivision) having an assigned number, letter, or other name through which it is identified. This term includes tract and parcel.

Lot Area - The total land area within the fixed boundaries of a lot.

Lot, Corner - A lot abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot Depth, Mean - The mean distance from the front street line of the lot to its opposite rear line, measured in the mean general direction of the sidelines of the lot.

Lot, Flag - A lot or building site which has a minimum frontage on a public or private street, which is reached via a private drive or lane, and whose width some distance back from the street boundary line meets all ordinance requirements.

Lot Frontage - The linear distance measured along the narrow dimension of a lot adjoining a street right-of-way.

Lot Frontage, Primary - The side of a lot abutting a street along the narrow dimension of the lot.

Lot Frontage, Secondary - The side of a lot abutting a street that is not the primary frontage.

Lot, Interior - A lot other than a corner or end lot.

Lot Line (or Property Line) - Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

Lot Line, Zero - A lot in which one (1) of the side yard setback lines is coterminous with a side lot line.

Lot of Record - A lot that is included in a subdivision, the plat of which has been recorded in the office of the Clerk of Franklin County.

Lot, Reverse Corner - A corner or end lot, the street side lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

Lot, Reverse Frontage - A through lot or corner lot intentionally designed so that the front lot line faces a local street rather than facing a parallel or perpendicular major thoroughfare.

Lot (or parcel) Split - The division of one lot or parcel into two (2) lots or parcels that is accomplished through the preparation and recording of deeds establishing the new lots or parcels.

Lot, Through - An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Width, Mean - The mean distance from a sideline of the lot to its opposite sideline, measured in the mean general direction of the front and rear lines of the lot.

Lowest Adjacent Grade - The lowest natural elevation of the ground surface, prior to construction, next to the proposed wall of a building.

Monument - A physical structure which marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice for Land Surveying adopted by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Neighborhood - An area of a community with historic, architectural, cultural, socio-economic, land use or other characteristics that distinguish it from other community areas. Neighborhoods can include a single use such as residential or can include a mixture of residential, commercial, workplace, and/or civic uses such as churches and schools.

Normal High Water Elevation - The elevation that water will rise to in lakes and streams during or following a frequent rainfall event.

Open Space – Any contiguous area of ground of at least fifty (50) square feet which is not covered by any building, street, right-of-way or vehicular use area.

Owner - Any person, group of persons, partnership, corporation, or any other legal entity having legal title to or sufficient proprietary interest to undertake development of a lot or parcel. Also includes the term Property Owner.

Pavement - The portion of a street intended for vehicular movement and parking.

Pavement Width - The width of the pavement of a street, as measured from edge to edge but excluding the curbs, if any.

Pedestrian Pathway - An interconnecting paved walkway that provides pedestrian passage through blocks running from street to street. These pathways should provide an unobstructed view through the block.

Performance Guarantee - Any security that may be accepted in lieu of a requirement that certain improvements be made before the Planning Commission approves a plat.

Perimeter - The boundaries or borders of a lot, tract, or parcel of land.

Person - Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency, or any legal successor, representative, agent, or agency thereof.

Phase - The designated portion of a larger development, which is to be constructed as a unit and which is so designed that it can stand on its own even if the other phases of the development are never constructed.

Planning Commission - The Frankfort and Franklin County Planning and Zoning Commission established as the Planning Unit for Franklin County.

Planning Director - The designated City and County representatives of the Frankfort and Franklin County Planning and Zoning Commission who are responsible for the preparation of the community's comprehensive plan and the administration and enforcement of land development regulations.

Plat (or Subdivision Plat) - A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision, and other information in compliance with the applicable regulations established by the Planning Commission. This term includes replats, amended plats, and revised plats, as well as Major and Minor plats.

Plat, Major or Minor - The difference between a Major and Minor Subdivision Plat is the number of lots to be created. A Major Plat will create six (6) or more lots, and a Minor Plat will create five (5) or fewer lots.

Plat, Preliminary - The preliminary map indicating the proposed layout of the subdivision which is submitted for tentative approval and meeting the requirements established by the Planning Commission relating to preliminary plats.

Plat, Record - The final map of all or a portion of the subdivision which is presented to the appropriate authority for final approval in accordance with the applicable regulations, and which, if approved, shall be filed with the Clerk of Franklin County

Privacy Fence - Fences and hedges along alleys and common lot lines.

Property - A lot, parcel, or tract of land together with the building and structures located thereon.

Property Owners' Association - An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision - be it lot, parcel, site, unit plat, condominium, or any other interest - is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rated share of expenses of the association which may become a lien against the lot, parcel, unit, condominium, or other interest of the member.

Public Space - Any area, lot, building site, or development site that has been reserved or dedicated for public use.

Public Utility - Any public or private utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service, or telephone line, whether underground or overhead.

Regular Firefighter - The regular members of a fire department in a Fire Protection District, except volunteer firefighters, who have the same powers of arrest as now given by law to sheriffs of the Commonwealth in the manner prescribed by KRS 75.160.

Residual Tract - A lot created by a subdivision the total extent of which is not shown on the plat and having a minimum area of ten (10) acres.

Restrictive Covenant - A restriction on the use of land usually set forth in the deed.

Commentary
Restrictive covenants are typically created for the benefit of property owner/homeowner associations or developers to govern aspects of development not usually addressed through zoning, subdivision, or site plan regulations. The Planning Commission does not enforce restrictive covenants; rather they are enforced through action of the property or homeowners association or through the judicial system.

Resubdivision (or Replat) - Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plat legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way - A strip of land owned or controlled by a governmental agency over which the public has right of passage, including the streets, parkways, medians, sidewalks, and driveways constructed thereon.

Scenic Byway - Any classified street that has been determined to have scenic, culturally significant, and/or historic characteristics that should be preserved and protected. The determination can be made by any local, state, or federal agency or unit of government, but must be officially shown on the Major Thoroughfare Plan Map contained in the Comprehensive Plan to have protected status via these regulations.

Sediment - Solid material that may be mineral or organic and is in suspension, is being transported, or has moved from its site of origin by water.

Sedimentation - The deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

Setback - See Building Line.

Sidewalk - An improved walkway intended primarily for pedestrians, usually running parallel to one or both sides of the pavement of a street.

Sight Distance (across intersections) - A straight line with unobstructed view measured in either direction across the corner between points, each seventy-five (75) feet back from the theoretical intersection of the edges of the pavement prolonged; the first point located four (4) feet above the grade of the pavement edge, the second point located one (1) foot above the grade of the pavement edge.

Sight Distance (along road) - A straight line with unobstructed view measured between a point located at four (4) feet above the finished grade of a road, at the center line of each traffic lane, and a point located at a given minimum distance away from the first point, located one (1) foot above finished grade at the center line of the same traffic lane.

Sight Distance Triangle - A triangular-shaped area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street right-of-way lines.

Site – see building site or development site

Site Plan – See Development Plan

Stoop - A ground floor entry platform at the front and/or street side of a building. Where required by the building placement standards, stoops may be roofed but not enclosed.

Stream Corridor - Any river, stream, pond, lake, or wetland, together with adjacent upland areas, that support protective bands of vegetation that line the water's edge.

Stream, Intermittent - Channels that naturally carry water part of the year and are dry the other part. This definition does not include streams that are intermittent because of irrigation diversion or other man-made diversions of the water.

Street - An area of land designated for public use, within defined limits, in order to provide a means for vehicular and pedestrian movement. The right-of-way limits of any street may include the street pavement, curb and gutter (or open ditches), sidewalks, and may provide space for the location of utilities. The right-of-way limits of any street shall be coincident to the property line of the adjacent or abutting lot. Streets are classified specifically herein as follows:

Major Thoroughfares

1. Expressways: Expressways rank first in the classification of streets, and are used only for vehicular movement without access to abutting properties. Interchange of traffic between expressways and other streets (only arterial streets when possible) is accomplished by grade-separated interchanges with merging deceleration and acceleration lanes.

2. Arterials: Arterial streets rank second in the classification of streets and are used primarily for vehicular movement and secondarily for vehicular access to abutting properties. Arterial streets are the link between expressways and collector streets, and generally rank next to expressways in traffic volume, speed limit control and right-of-way limits.

3. Collector Streets: Collector streets rank third in the classification of streets and are principally used for vehicular movement however, access to abutting properties is planned and controlled so that minimal disturbance is made to the traffic flow on said collector street. Collector streets are the link between

arterial and minor streets, and generally rank next to arterial streets in right-of-way widths and speed control.

Neighborhood Streets

1. Local streets rank fourth in the classification of streets and are used primarily for providing access to abutting properties. Vehicular movement on these street types should have an origin or destination in the immediate vicinity. These street types are the primary link between generator points (homes, offices, stores, etc.) and collector streets. Neighborhood streets require the least amount of vehicular movement and may be further classified into six (6) categories as follows:

    a. Continuing Streets - Continuing streets are minor streets having two (2) open ends, each end generally connecting with different streets. One (1) or more other streets may intersect such a street between its two open ends, and property abuts both sides of such a street.

    b. Marginal Access Streets - Marginal access streets are minor streets generally having two (2) or more access points to the major system by connecting to a street of higher classification. Marginal access streets are sometimes called access or frontage roads.

    c. Loop Streets - Minor streets having two (2) open ends each and generally connecting with the same street. No other streets intersect between its two (2) ends and property abuts on both sides thereof.

    d. Cul-de-Sacs - Minor streets having only one (1) open end providing access to another street, and a closed end providing a turn-around circle for vehicular movement.

    e. Alleys - Streets generally having two open ends with each end connecting to different streets. Alleys generally provide service and access to the rear of abutting properties on both sides thereof and are not intended for general traffic circulation.

    f. Country Roads – Streets that generally have two open ends, but may have one closed end, and provide access to farms and agricultural operations, and other rural land uses.

Street, Private – A street whose right-of-way is retained in private ownership. This includes the term cross-access easement.

Street, Stub - A street that usually ends at a property line and is designated to be extended to adjoining property in the future.

Streetscape - This term refers to the various components that make up a street, both in the right-of-way, and on private lot frontages. It includes pavement, parking spaces, planting areas, street trees, streetlights, sidewalks, front yard fences, front yards, front porches, etc.

Street Index File - The computerized listing of all the vehicular rights-of-way and areas with a common name in Franklin County.

Street Tree - A deciduous tree, of a hardy species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

Subdivider - Any person, firm, corporation, partnership, or association, including the holder of an option or contract to purchase, who shall lays out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others.

Subdivision (of Land) - The division of a parcel of land into two (2) 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. 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.

Subdivision, Major - A subdivision of land that is generally of major significance to the community's future development, and shall include all subdivisions that do not conform to the definitions established for minor subdivisions. Generally, major subdivisions are those that create six (6) or more lots for sale or building development for residential, commercial, or industrial activities.

Subdivision, Minor - A subdivision of land that involves five (5) or fewer lots and is generally of minor planning significance to the community's future development.

Substantial Reconstruction - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started; or (2) if damaged, the value of the structure to be restored prior to being damaged.

Technical Review Team – A group of representatives of City or County departments or utility companies established by the Planning Commission for the purpose of conducting a technical review of subdivision plats and development plans to insure compliance with the provisions of the Zoning Ordinance, Subdivision and Development Plan Regulations and other applicable adopted regulations. (see section 7.02.03)

Variance – Permission from the Board of Zoning Adjustment or Planning Commission to modify a dimensional subdivision and site plan standard.

Wetland - Those areas that are inundated and saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Zoning Ordinance - The officially adopted Zoning Ordinance of Frankfort and Franklin County together with any and all amendments thereto.