

**ARTICLE 2  
PROCEDURES FOR SUBMISSION AND APPROVAL OF MAJOR SUBDIVISION  
PLATS**

Section 2.100  
Pre-Application Meeting with Planning Commission

Section 2.200  
Application for Approval of Preliminary Layout

- 2.201 Application Procedure
- 2.202 State Department of Highways May Review Preliminary Layout
- 2.203 Review of Preliminary Layout
- 2.204 Applicant Advised of Planning Commission Action
- 2.205 Reservations on Preliminary Layout
- 2.206 Resubmitting a Preliminary Layout
- 2.207 Denial of Subdivision Request
- 2.208 Continuation of Consideration
- 2.209 Phase Development

Section 2.300  
Application for Approval of Final Subdivision Plat

- 2.301 Application Procedure
- 2.302 Action on Proposed Subdivision Plat
- 2.303 Signing of Subdivision Plat
- 2.304 Recording of Approved Subdivision Plat
- 2.305 Plat Void if Revised After Approval
- 2.306 Reservations on Public Acceptance of Proposed Streets and Acreage for  
Community Facilities
- 2.307 Application Procedure for Minor Subdivision

Section 2.400  
Execution of Improvements Required

- 2.401 Improvements Made Under Bond or Other Security
- 2.402 Acceptances and Dedication of Streets

Section 2.500  
Five Acre Rule

Section 2.600  
Zone Change Rule

Section 2.700  
Residential Estates

**ARTICLE 2  
PROCEDURES FOR SUBMISSION AND APPROVAL OF SUBDIVISION PLATS**

Whenever any subdivision or re-subdivision of land within the area of jurisdiction of these regulations is proposed, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision before plat of such subdivision of land is recorded by the Shelby County Clerk; before any contract for the sale or transfer or erection of a structure in such proposed subdivision is granted; and before any street or other public ground which has been dedicated is accepted by the legislative body. Approval of a proposed subdivision by the Planning Commission shall be obtained in accordance with the procedure specified hereafter and consisting of three steps for all Major Subdivisions as these are defined in Section 7.400: Pre-Application meeting with the Planning Commission; Application for Approval of a Preliminary Layout; and Application for Approval of a Final Subdivision Plat. In the case of Minor Subdivisions, as defined in Section 7.400.

**Section 2.100 Pre-Application Meeting with Planning Commission**

Before filing an application and before preparing a Preliminary Layout pursuant to Section 2.200, the applicant or his authorized agent:

- a. Should meet with the Planning Commission to review the Planning Commission's requirements of the General Requirements and Minimum Design Standards as set forth in Article 3, in order to avoid unnecessary and costly revisions in the layout and development of the subdivision.
- b. Should discuss his intentions at the time.
- c. Shall submit a Vicinity Map, Sketch Plan, and General Information as to the relationship of the proposed subdivision to existing community facilities including parks, playgrounds, traffic arteries, public or other schools, utilities, shopping centers, hospitals and any other pertinent information as specified in Section 3.200.
- d. Shall present to the Planning Commission general information outlining his general plans for the subdivision.

**Section 2.200 Application for Approval of Preliminary Layout**

**2.201 Application Procedure**

An Application shall be filed for the approval of a Preliminary Layout prior to filing a preliminary application for the approval of a final Subdivision Plat. The application shall:

- a. Be made in writing to the Planning Commission to be received by the administrative Officer at least twenty-one (21) days prior to the Planning Commission meeting at which it is to be reviewed.
- b. Be accompanied by thirteen (13) copies of the preliminary layout for all the land which the applicant proposes to subdivide, and all supplementary material described in Sections 3.100 and 3.300.
- c. Prior to consideration by the Planning Commission, the following approvals shall be received for the Preliminary Layout:
  - 1. The County Health Officer with his certificate of approval for water and sewer provisions appearing on the Preliminary Layout.
  - 2. The Administrative Officer of the agency or utility company supplying water services if a connection to a public water line is proposed, with a certificate of water availability appearing on the Preliminary Layout.
  - 3. The Administrative Officer of the agency or utility company supplying sewage disposal services if a connection to a public sewage system is proposed, with a certificate of availability of sewage disposal services appearing on the Preliminary Layout.
  - 4. The authorized officer of the County Road, City Street or State Highway Department.
  - 5. Certificate of Approval for all utility easements and availability of electric and/or gas service.
  - 6. Certificate for Fire Protection
  - 7. Certification by a registered land surveyor that both preliminary and final plats meet the current standards of practice for land surveying in Kentucky as required by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.
  - 8. Certificate of ownership
- d. Comply in every respect with the requirements specified in Article 4 of these Subdivision Regulations.
- e. Be accompanied by a check or money order according to the current Fee Schedule.

**2.202 State Department of Highways May Review Preliminary Layout**

If the State Department of Highways has filed with the Planning Commission a map of the territory within one (1) mile on either or both sides of any existing or proposed highway, no Preliminary Layout shall be approved by the Planning Commission until one (1) copy of such Preliminary Layout has been referred to the designated office of the Department of Highways for its review. If the Department of Highways desires to make any recommendation the plat, it shall

communicate such to the Planning Commission within fifteen (15) days from the receipt of the plat.

### **2.203 Review of Preliminary Layout**

Within forty-five (45) days after submission of such application as in Section 2.201, the Planning Commission shall hold a meeting to study carefully the Preliminary Layout and to determine if all requirements of the Subdivision Regulations and their policy objectives have been met. Seventeen days before the meeting notice shall be given by certified mail, with return receipt requested, to the owners shown on the proposed subdivision plat and also submitted on separate sheet in order that they may be informed of the action. The applicant or his authorized agent, preferably his engineer, shall be prepared to attend the meeting of the Planning Commission to discuss the Preliminary Layout and the Planning Commission's tentative conclusions. In studying the Preliminary Layout, particular attention shall be given to: the proposed streets to the topography of the land; sewage disposal; drainage; proposed block and lot sizes, shape and layout; future development of adjoining lands as yet unsubsidized; and the requirements of the Comprehensive Plan, and the Official Map. Staff shall review the layout, shall send a copy of review to the applicant and shall place a copy of the review with the plat for viewing by the public.

### **2.204 Applicant Advised of Planning Commission Action**

Within ninety (90) days from the date of the application, the Planning Commission shall advise the applicant of:

- a. Approval;
- b. Conditional approval subject to specific modifications which shall be required in the Preliminary Layout; or
- c. Disapproval.

Failure of the Planning Commission to act upon this Preliminary Layout within ninety (90) days shall be deemed approval of the Preliminary Layout. If the Preliminary Layout is disapproved, reasons for such disapproval shall be set forth in the minutes of the meeting. If approved subject to modifications, the nature of the required modifications shall be indicated in the minutes. If approved or conditionally approved, the Planning Commission shall advise the applicant of the amount of construction or improvement or the amount of the performance bond, cash, or certified check, therefore which shall be posted with the Planning Commission as a prerequisite to the approval of the Final Subdivision Plat, to be submitted subsequently. The action of the Planning Commission shall be noted in the minutes.

### **2.205 Reservations on Preliminary Layout Approval**

Approval of the Preliminary Layout shall not constitute acceptance of the final Subdivision Plat, and shall lapse unless final Subdivision Plat is submitted within one (1) year from the date of such approval. The final Subdivision Plat may comprise only a portion of the Preliminary Layout Plan, and an extension of time may be granted by the Planning Commission for the submission of a final Subdivision Plat for the remainder of the Preliminary Layout. Failure to submit an application for the Final Subdivision Plat before expiration date of such an extension of time will render the approval of the first Preliminary Layout void and a new application for a new approval of the Preliminary Layout will be required.

### **2.206 Resubmitting a Preliminary Layout**

When a preliminary layout has been denied it shall not be resubmitted on that parcel of ground for a period of one (1) year.

### **2.207 Denial of Subdivision Request**

The Planning Commission shall take no action on property or receive a request on property that is in litigation for any reason until such time the litigation is settled. Applications that are denied by the Planning Commission shall not be resubmitted for a period of one (1) year unless ordered by a judicial court to consider an application; a subdivision request, preliminary or final, shall not be considered for land which is before the courts on an appeal from the final action of the Planning Commission. The Planning Commission may declare a moratorium on specific subdivision applications if the Commission sets a definite time for the length of the moratorium and states the purpose of the moratorium.

### **2.208 Continuation of Consideration**

Upon request, the Commission can continue the consideration of a subdivision application to the next scheduled meeting of the Commission so that presentations can be made in response to the applicant's presentation.

### **2.209 Phase Development**

Subdivisions developed in Phases shall be presented to the Commission at the initial presentation of the development showing the proposed Phases of development. The proposed development phases must show the density requirements both proposed and existing. If after the first phase of development, changes are proposed that deviate from the first development phase, such as size of lots, size of principal structure, types of structures, building materials used for structures, infrastructure. Then it will be the responsibility of the developers to obtain written approval for such changes from the Planning Commission before proceeding with the development.

## **Section 2.300 Application for Approval of Final Subdivision Plat**

### **2.301 Application Procedure**

Within one (1) year after approval, or conditional approval, of the Preliminary Layout is granted, the applicant shall file with the Planning Commission an application for approval of a final Subdivision Plat. The approval of the Preliminary Layout shall lapse if application for final Subdivision Plat is not filed within the one (1) year period. The application shall:

- a. Be in writing to the Planning Commission and submitted to the Administrative Officer at least fourteen (14) days prior to the date of the regular meeting of the Planning Commission at which the Subdivision Plat is to be reviewed.
- b. Be accompanied by thirteen (13) copies of the Subdivision Plat and all supplementary material described in Sections 3.100 and 3.400.
- c. Comply in all respects with the Preliminary Layout as approved or modified as required if conditionally approved.
- d. Prior to consideration by the Planning Commission the final Subdivision Plat shall have received approvals by the following:
  1. The County Health Officer, with his certificate of approval for water and sewer provisions appearing on the Subdivision Plat.
  2. The Administrative Officer of the agency or utility company supplying water services if a connection to a public water line is proposed, with a certificate of water availability appearing on the Subdivision Plat.
  3. The Administrative Officer of the agency or utility company supplying sewage disposal services if a connection to a public sewage system is proposed, with a certificate of availability of sewage disposal services appearing on the Subdivision Plat.
  4. The authorized officer of the County Road, City Street or State Highway Department.
  5. Certificate of Approval for all utility easements and availability of Electric and/or gas service.
  6. Certificate for Fire Porte.
- e. Comply in every respect with the requirements specified in Article 4 of these Subdivision Regulations.
- f. Comply with the improvement requirements of Article 5 of these Subdivision Regulations.

- g. Include the entirety of the approved Preliminary Layout, or a section thereof which derives access from a street already improved, or if not improved, to be improved to the standards of and according to these Subdivision Regulations.

### **2.302 Action on Proposed Subdivision Plat**

After careful study and within ninety (90) days from the date of the application for approval of the final Subdivision Plat, the Planning Commission shall approve or disapprove the said plat. Failure of the Planning Commission to act upon this final Subdivision Plat application within the ninety (90) days shall be deemed an approval of the Subdivision Plat. If the application is disapproved, the grounds for disapproval shall be stated in the records of the Planning Commission. Applications that are denied by the Commission shall not be resubmitted for a period of one (1) unless ordered by a judicial court to consider an application; a subdivision request, preliminary or final, shall not be considered for land which is before the court on an appeal from the final action of the Commission.

### **2.303 Certification of Proposed Subdivision Plat**

Upon approval of the final Subdivision Plat by the Planning Commission, the original plat shall show such approval with a written endorsement signed by the Chairman. In the absence of the Chairman, the Secretary, the Acting Chairman, or Acting Secretary respectively, may sign in his place. Such signature by the authorized officers of the Planning Commission shall not be signed until the applicant has met all the conditions of the action granting approval of such Subdivision Plat. In any case, such approval by the Planning Commission shall not constitute acceptance by the public of the dedication of any street, other public way, or ground.

### **2.304 Recording of Approved Subdivision Plat**

The certified plat of the Subdivision shall be returned to the Subdivide. In turn he shall have it reduced photographically to no larger than eighteen by twenty-four (18x24), filed at his expense within ninety (90) days from date of approval with the Shelby County Clerk's Office as official plat of record. Plats not filed within ninety (90) days shall be void.

### **2.305 Plat Void if Revised After Approval**

No changes, erasures, modifications, or revisions shall be made on any Subdivision Plat after approval has been given by the Planning Commission. In the event that any Subdivision Plat, when recorded, contains any such changes, the Plat shall be considered null and void, and the Planning Commission shall institute proceedings to have said Subdivision Plat stricken from the records of the County Clerk.

### **2.306 Reservations on Public Acceptance of Proposed Streets and Acreage for Community Facilities**

The approval by the Planning Commission of a Subdivision Plat shall not be deemed to constitute or imply the acceptance by Shelby County, City of Shelbyville, or City of Simpsonville of any street, park, playground, or some other space shown on said Plat as a community facility. The Planning Commission may also require the filing of a written agreement between the applicant and the aforementioned entities covering future title, dedication and provision for the cost of grading, development, equipment, and maintenance of any park or playground area, or any other community facility.

### **2.307 Application Procedure for Minor Subdivision**

A minor subdivision, as defined, shall not require preliminary plat, except notification procedure per Section 2.203. A minor subdivision shall be filed as a Final Plat and shall meet all of the minimum Plat Requirements before being accepted for review by the Planning and Zoning Commission.

The Application shall be in writing to the Planning Commission at least fourteen (14) days prior to the Commission Meeting at which time the plat would be reviewed.

The Application shall be accompanied by thirteen (13) copies of the Final Plat and Protective Covenants.

These two lots shall not be used for any other purpose other than residential and no new construction of roads or streets will be permitted. The lots must be served by existing infrastructure. A minimum of thirty (30) feet of right-of-way (as measured from the centerline of the existing road or street) shall be dedicated for each lot.

The following certifications and approvals shall be affixed to the Plat:

- a. The County Health Officer with his approval for water and sewer provisions.
- b. The Administrative Officer of the Utility Company supplying water service with a certificate of water availability and approval of the same.
- c. The Administrative Officer of the Utility Company supplying sewer services with a certificate of availability and approval.
- d. A certificate of approval for an entrance onto the public street from the authorized representative of the State, County or City.
- e. Certificate of approval from the authorized representative for all utility easements and the availability of gas, electric and telephone service.

- f. A Certificate of Approval from the authorized representative of the Fire Department.
- g. Surveyor's Certificate and Seal.
- h. Certificate of ownership.

All certificates must be signed and dated by the authorized person prior to application submittal.

All existing right of way must be clearly indicated on the plat and a minimum of 30 feet of right of way will be required. If a minimum of 30 feet of right of way does not exist, than a minimum of 30 feet of right of way must be dedicated.

**Minor Subdivision and Agricultural Tract Minimum Plat Requirements:**

- a. Building Line minimum of 100 feet from the front property line;
- b. Easements for utilities;
- c. Names and Addresses of all adjoining property owners (also property across the road);
- d. The zoning classification of all surrounding property and property being divided;
- e. Drawn to a scale of 1" = 100' or 1' = 50';
- f. Existing Utilities Shown;
- g. Name of Subdivision;
- h. Name and address of owner of the property being divided;
- i. Date and north arrow;
- j. Vicinity map and graphic scale;
- k. Lot areas to the one hundredth of an acre;
- l. Location of existing structures and appropriate natural features;
- m. Bearings and distances on all property lines to the required accuracy;
- n. Protective covenants submitted with plat; and
- o. Minor Subdivision Certificates.

**Section 2.400 Execution of Improvements Required**

No final Plat shall be approved by the Planning Commission or accepted for record by the County Clerk until the improvements listed are constructed and approved by the appropriate officials having jurisdiction as per Article 5.

**2.401 Improvements Made Under Bond or Other Security**

Where a bond, cash, check or certificate of deposit is posted, the Planning Commission may set a reasonable time for improvements to be properly constructed; however, this period shall be no more that eighteen (18) months. At the end of the period, if it is proven that extraordinary conditions exist which will require a longer period of time for the installation of the required improvements, the Planning Commission may grant an additional period of time

up to six (6) more months during which the construction of the improvements shall be properly completed.

No additional time shall be granted after this extended period unless further extension is proven by the developer, to the satisfaction of the Planning Commission to be justified.

#### **2.402 Acceptance and Dedication of Streets**

- a. The Planning Commission may release the security bond or cash only on the recommendation to the Planning Commission that Shelby County, City of Shelbyville or City of Simpsonville will accept the dedication of the streets and other public grounds in the subdivision in question. The Planning Commission shall make such a recommendation after it has received a report from the authorized engineer or other authorized person that all improvements has been properly installed, that the Subdivision Plat has been approved, and after the Planning Commission determines that all requirements of these Subdivision Regulations have been met.
- b. If it has been determined by the Planning Commission that improvements necessary for the public health, safety and welfare of the residents of the subdivision are not properly guaranteed by the subdivider, the Planning Commission shall take action to secure the posted bond or cash to insure the installation of these improvements. If such action is taken, no new zoning permit shall be issued until all improvements are installed properly as determined Planning Commission.

#### **Section 2.500 Procedural Requirements Waived as to Certain Five Acre Tracts**

Whenever a proposed division of land creates tracts each containing at least five (5) acres to ten (10) acres, fronting at least two hundred fifty (250) feet on an existing road and having a depth no greater than four (4) times its width, as measured at the front property line, dedicating minimum of 30 feet of right-of-way from the center of the existing public road or street and imposing a building set back line of a minimum of 100 feet from the front property line, and meeting the requirements as set out below the same may be approved by the Planning Commission if a Surveyor's Plat is presented to the Commission that meets the plat requirements and application procedure for a minor subdivision. Approval will be by the Planning Commission at a regular scheduled meeting.

All plats submitted to the Planning Commission shall meet the current standards of practice for land surveying in Kentucky as regulated by the Kentucky State Board of Registration for Professional Engineers and Land Surveyors.

Application Procedure and Plat Requirements for all tracts of 5.0 acres or greater shall be the same as for minor subdivisions, unless they are classified as Planned Unit

Developments, in which case the requirements for a Planned Unit Development shall apply.

Tracts of 5.0 to 15.0 acres, in an agricultural zone, are classified as agricultural subdivisions.

Tracts of 5.0 to 10.0 acres, in an agricultural zone, shall not be divided to create smaller tracts or lots.

Tracts 10.0 to 15.0 acres, in an agricultural zone, may be divided into minimum 5.0 acre tracts if they meet the requirements set out above.

### **Section 2.600 Zone Change Rules**

All major subdivisions in Agricultural Districts with lots consisting of less than five (5) acres shall not be approved without first obtaining a zone change from Agricultural to Residential. Exceptions to this rule are minor subdivisions, as presently regulated. Minor boundary adjustments for consolidation purposes only and not for building development are exempted from minor or major subdivision determinations.

### **Section 2.700 Residential Estate**

Subdivisions in the residential estate zone Residential Estate shall not have lots less than one (1) acre in Development size and comply with the procedures for the submission and approval for a major subdivision.