

ARTICLE 1

GENERAL PROVISIONS

SECTION 100

Title

These regulations shall be known and may be cited as the “Subdivision Regulations” for the Campbell County & Municipal Planning & Zoning Commission, a joint planning unit within Campbell County, Kentucky.

SECTION 105

Purpose and Authority

These Subdivision Regulations as herein set forth, have been prepared in accordance with the adopted Campbell County Comprehensive Plan to promote the public health, safety, morals, and general welfare of the county; to facilitate orderly and harmonious development and the visual or historical character of the joint planning unit and the community; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of police and fire fighting apparatus, recreation, light and air, and the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land.

These Subdivision Regulations are adopted in accordance with the Kentucky Revised Statutes (KRS) - Chapter 100.

SECTION 110

Jurisdiction

These subdivision regulations shall apply to any and all lands, or portions thereof, that are within the joint planning unit.

SECTION 115

Minimum Standards

In their interpretation and application, the provisions of these subdivision regulations shall be held to be minimum acceptable standards or requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of these subdivision regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 120

Conflict

All regulations, resolutions, orders, ordinances, and/or codes, whether in whole or in part, in conflict with or inconsistent with the provisions of these subdivision regulations are hereby repealed to the extent necessary to give these subdivision regulations full force and effect. These subdivision regulations shall become effective from and after the date of their approval and adoption as provided by law.

SECTION 125

Severability Clause

Should any section, subsection, clause, part, or provision of these subdivision regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such invalidity shall not affect any other section, subsection, clause, part of provision of these subdivision regulations as they are severable and shall continue to have full force and effect.

SECTION 130

Amendments

Before adoption of these subdivision regulations or any amendments thereto by the planning commission, a public hearing shall be held by the planning commission. A public notice of the time and place of the public hearing shall be given in accordance with KRS 424.

These subdivision regulations, and any and all subsequent amendments hereto, shall take immediate effect and be in full force upon their adoption as provided for in KRS 100.

SECTION 135

Administration

The Administrative Official's authority and responsibilities generally include the following with respect to administering the subdivision regulations:

- a) Upon finding that any of the provisions of this order are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action(s) necessary to correct such violation(s).
- b) Order, in writing, discontinuance of any illegal work being done, and take any other action authorized by law to ensure compliance with or to prevent violation(s) of these regulations.
- c) Interpret the subdivision regulations, including the determination of review processes, plat requirements, and the applicability and substance of design standards, based on interpretation of the stated and implied requirements of the subdivision regulations.
- d) Site inspections regarding complaints of violations of these regulations; site inspections of development for compliance with plans approved pursuant to these regulations that are not otherwise inspected by the applicable legislative body; issuance of "Notice of Violations" citations; review of development plans and plats for compliance with the rules, regulations and standards of these regulations.

The Planning Commission's authority and responsibilities generally include the following with respect to governing the subdivision regulations:

- a) Review, process, and approve all plans or plats as described in these regulations.
- b) Receive and distribute fees collected as a result of subdivision review of various plats and plans and inspection services.

- c) Distribute copies of approved plans and plats to various governmental bodies, agencies, including but not limited to public works or public service departments, building department, water and sewer districts, property valuation administrator's office, county clerk's office, and utility companies.
- d) Delegate any tasks as specified in these regulations relative to its administration.

The legislative bodies authority and responsibilities generally include the following with respect to governing the subdivision regulations:

- a) Perform on-site construction inspections of public improvements in accordance with the approved plans, plats, or drawings.
- b) Assure that all public improvements inspected are complete and have been constructed in accordance with the approved plans, plats, or drawings.
- c) Receive or hold guarantees and bonds for proper installation of public improvements as described in Section 515 of these regulations.
- d) Take action on acceptance for maintenance of public improvements as delineated on final plats approved by the Planning Commission and formally requested by the subdivider, developer or owner of the proposed subdivision.

SECTION 140
Waiver of Subdivision Regulations

Upon request to the Administrative Official, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request (including a completed application and related fees). The Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances or refer the request to the Planning Commission for action. An action must make a finding of facts to support the granting of the waiver. This finding of facts must include:

- 1.
 - a) The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and,
 - b) The waiver will not be detrimental to the public welfare.

AND at least one of the following:

- 2.
 - a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR
 - b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR,
 - c) The waiver will provide for an innovative design layout of the subdivision.

The Administrative Official shall also inform the Planning Commission, on a regular basis, of the results of all waiver requests.

SECTION 145

Appeals

Any person or entity claiming to be injured or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision by the Administrative Official relative to the administration of these subdivision regulations may appeal such decision to the Planning Commission within thirty (30) consecutive calendar days. Such appeal shall follow the procedures and notice requirements for an appeal as stated in Article XVIII of the Zoning Ordinance.

Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission may appeal from the final action to the Campbell County Circuit Court. Such appeal shall be taken within thirty (30) consecutive calendar days after such action. For purposes of this section, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body.

SECTION 150

Enforcement

The Subdivision Regulations sets forth a procedure for Planning Commission approval for the subdivision of land. This procedure is stated in KRS 100.277.

- (1) All subdivision of land shall receive commission approval.
- (2) No person or his agent shall subdivide any land before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.
- (3) No person owning land composing a subdivision, or his agent, shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights of remedies he may otherwise have. Provided, however, any person or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the planning commission.
- (4) Any street or other public ground which has been dedicated shall not be accepted for maintenance by the legislative body until it has received final plat approval by the planning commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of

law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.

- (5) Any instrument of transfer, sale or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission.
- (6) No changes, erasures, modifications or revisions shall be made in any plat of subdivision after final approval has been given by the planning commission and an endorsement is made in writing on the plat, unless the plat is first resubmitted and the changes approved by the planning commission.

SECTION 155

Recording Final Plats

After the final approval of a subdivision plat by the Planning Commission, it shall be recorded at the expense of the subdivider in the office of the county clerk.

SECTION 160

Revocation of Subdivision Plat

- (1) Upon application of all persons owning land comprising a subdivision, the planning commission may revoke the approval of a subdivision plat, including all dedications of public facilities, easements and rights-of-way.
- (2) Before any plat shall be revoked, all owners shall, as part of their application for revocation, state under oath that no person has purchased a lot shown on the plat.
- (3) A revocation shall become effective only upon:
 - (a) A notation on the margin of the recorded plat stating that such plat has been revoked and the date of such vote of revocation; such notation shall be signed by the chairman, secretary, or other duly authorized officer of the commission; and,
 - (b) A written approval of such revocation filed with the commission, duly signed by each entity to which an offer of dedication of any public or private facility, easement or right-of-way was made on the plat.
- (4) The remedy provided in this section is in addition to all other remedies provided by law and shall not impair the right of the commission or any interested party from filing an action in Circuit Court for such relief as may be appropriate.

SECTION 165

Restraint of Subdivision Construction

The Planning Commission shall have the power to apply for an injunction against any type of subdivision construction by the subdivider or the landowner where a subdivision's regulations have been violated.

SECTION 170

Land Sold in Violation of these Subdivision Regulations

When it has been discovered that land has been sold or transferred, or that a contract has been entered into for the sale or transfer of land in violation of the provisions of these subdivision regulations, the owner or owners of record shall file plats of the land in accordance with these subdivision regulations. When land is sold or transferred, or a contract has been entered into for the sale or transfer of land in violation of these subdivision regulations, 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 these 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).

SECTION 175

Penalties

Pursuant to KRS 100.991, any person or entity who violates any of these subdivision regulations shall, upon conviction, be fined not less than one hundred dollars (\$100.00) but not more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense.