

Article amendments approved unless noted:	OMPC	Owensboro	Daviess Co.	Whitesville
Re-adoption of Subdivision Regulations	24-Mar-1977	01-Apr-1977	20-Apr-1977	?
Complete revision of Subdivision Regulations	18-Apr-1981	22-May-1981	26-May-1981	06-Jul-1981
Bypassing preliminary plat provision for "major/minor" plats {3.02}	08-Aug-1981	?	?	18-Aug-1987?
Surety forfeiture provision {3.35}	10-Jul-1982	09-Nov-1982	19-Oct-1982	?
New water supply & fire protection requirements {3.33}	15-Jan-1998	No action required by legislative bodies		
Section 3.2, 3.41 revised to allow minor revisions to be signed by OMPC director, Sections 3.311,3.32,3.33,3.34 revised for surety times and administrative release and transfer of surety, remove surety forfeiture provision	10-June-2004			
Added criteria for electronic submittal	05-Dec-2005			

3.0 PURPOSE. The purpose of this article is to establish the step-by-step procedure which shall be followed by the subdivider and the OMPC in preparing, reviewing, and approving all major subdivision plats.

3.01 No Construction Prior to Approval of Preliminary Plat. No grading or construction work upon proposed improvements may begin before the submission and approval by the OMPC of a preliminary plat.

3.02 Bypassing Preliminary Plat. In any major subdivision where public improvement plans are not required, or where the water distribution system (water lines and fire hydrants) is the only public improvement required, the plat content shall be as required for major subdivision final plats (Section 4.3) and the plat approval procedure shall be as for minor subdivision plats (Section 2.1). If, in the opinion of the OMPC Director, important questions arise as to the compliance of such a subdivision with the requirements of these regulations, or other issues arise which the OMPC should review, the subdivision may be required to follow the major subdivision plat approval procedure (Section 3.4).

3.1 PRE-APPLICATIONS. Prior to formal application for a major subdivision approval (preliminary plat), the subdivider or his agent shall have a conference with the OMPC staff to discuss the requirements of the OMPC and of other public agencies, the improvements and uses of the subdivision and any other potential issues involved related to the proposed subdivision. The subdivider shall present for discussion a rough sketch showing generally the boundaries of the proposed subdivision, the proposed location and widths of streets, lot patterns and drainage

patterns, plus any other pertinent information then known to the subdivider.

3.2 PRELIMINARY PLAT. Following the pre-application conference, the subdivider shall seek OMPC approval of a preliminary plat in accordance with the following procedure:

3.21 Formal Application and Submission. The subdivider shall file a formal application for preliminary plat approval on a form supplied by the OMPC and shall submit therewith a preliminary plat prepared in conformance with the requirements of Article 4 of these regulations. Preliminary plats will be submitted to the OMPC at least twenty-one (21) days prior to the date of a regular meeting in order to be considered at that meeting. For minor amendments to preliminary subdivision plats, the plat content shall be as required for major subdivision preliminary plats (Section 4.1) and the approval process shall be as for minor subdivision plats (Section 2.1 and 2.11)

3.22 Staff and Other Agency Review. The OMPC staff and the local government engineer shall review the plat for conformance to these regulations, the Public Improvement Specifications, the Owensboro Metropolitan Zoning Ordinance and the Access Management Manual. Utility and other public agencies shall review the plat prior to submittal to the OMPC. The staff shall then notify the subdivider or his agent concerning any recommendations and shall afford him an opportunity to submit an amended plat before the OMPC takes official action.

3.23 OMPC Action. After filing of the application and the preliminary plat materials, the OMPC shall, at either a regular or called meeting hold a hearing on the plat. An opportunity to be heard shall be given to the owner or subdivider of the subdivision in question before the OMPC takes action upon it.

3.231. Within ninety (90) days after the hearing on the preliminary plat, the OMPC shall approve, disapprove, or approve subject to modifications the said plat.

3.232. If the plat is disapproved or approved subject to modifications, the reasons will be stated at the public hearing and recorded in the minutes. If the subdivider or his agent is absent from the meeting in which such action is taken, he shall be notified in writing as to the reasons for disapproval or conditional approval. If the subdivider does not submit an acceptable amended plat within ninety (90) days of submission of the original plat, the plat shall be deemed to be disapproved by the OMPC.

3.233. The approval by the OMPC of a preliminary plat is valid for one (1) year. Extensions of approval may be granted by the OMPC, and shall be automatic for all subdivisions being developed by sections so long as construction is in progress in any section. At any time after the original one (1) year validity of the preliminary plat, for any sections where final plats have not been approved by the OMPC, the OMPC may revoke approval of the preliminary plat for such sections (where the construction of public improvements in accordance with the original preliminary plat has not started), and may request a revised plat, to coordinate with surrounding development activities which were not anticipated when the original preliminary plat was approved.

3.24 Digital Submittal required. Upon approval of a major preliminary subdivision plat, the contents of the approved plat shall be submitted in electronic format to the Owensboro Metropolitan Planning office. The following criteria shall apply for digital submittals.

3.241 File shall be submitted in **.dxf, .dwg, dgn** or other approved format.

3.242 File shall contain name of subdivision, phase and section number in file identification title.

3.243 File shall include a level or layer key to identify information contained in each layer or level.

3.244 At a minimum, the following information shall be contained in a segregated level or layer. Additional levels or layers may be included as necessary.

3.2441 Tract boundaries, locations, approximate location of lot lines, parent tract boundary survey tied to Kentucky State Plane South coordinates and elevation beginning January 1, 2007, addresses and lot numbers, graphic depictions of right-of-ways, streets, sidewalks, railroads and other public ways adjacent to or within the subdivision, building setback lines, roadway buffers when required to be depicted, access points when required to be depicted, flood hazard areas.

3.2442 Existing and new utility easements.

3.2443 Topography in 2 foot intervals

3.2444 Sanitary sewer systems, including existing and proposed pipe locations and sizes, and manhole locations when applicable

3.2445 Storm drainage systems, including location and widths of surface drainage channels, paved bottom segments and location of retention areas when applicable

3.2446 Water distribution systems, including location and size of existing and proposed water lines, valve and fire hydrants when applicable.

3.3 CONSTRUCTION COMPLETED OR SURETY REQUIRED BEFORE FINAL PLAT CONSIDERED FOR APPROVAL. The OMPC will act on approval of a final plat only after monuments have been placed and all public improvements have been installed, or surety is provided for completion of any required improvements not installed, or not acceptably installed, at the time of action on such final plat.

3.31 Type of Surety. Surety for the completion of public improvements may take any of the following forms:

3.311. A duly executed and completed surety performance bond or letter of credit, certified by the OMPC Attorney as valid and enforceable by the OMPC, and in an amount and with surety satisfactory to the OMPC for the construction of such improvements within a period fixed by the OMPC; or

3.312. A certified check drawn on an approved bank and available to the OMPC in an amount adequate for the completion of such improvement; or

3.313. A certificate of deposit or a savings certificate in the name of the subdivider or other person(s) placing the certificate, issued by a federally insured bank or federally insured savings and loan association,

endorsed and payable to the Owensboro Metropolitan Planning Commission by the person(s) whose name(s) it bears.

3.32 Release of Surety. If surety has been held by the OMPC to assure the installation of public improvements, its release shall be approved by the OMPC director after a public improvements checklist signed by the City or County Engineer, appropriate agency officials, and/or professional engineer (as applicable) is received certifying that the required public improvements have been satisfactorily completed in conformance with all requirements. The OMPC director may require that the OMPC act on surety releases if any question arises regarding the certification that required public improvements have been satisfactorily completed in conformance with all requirements.

3.33 Timely Completion of Improvements. Required sidewalks should be satisfactorily installed within maximum time limits of three (3) years, required fire hydrants and associated water mains necessary to serve those fire hydrants should be satisfactorily installed within maximum time limits of six (6) months, and all other required public improvements should be satisfactorily installed within a time limit of two (2) years, of final plat approval by the OMPC. The OMPC director may take action to transfer the surety as provided in Section 3.34.

3.34 Transfer of Surety. When improvements have not been installed in a satisfactory manner within the time limits as set forth in Section 3.33, the surety posted with the OMPC shall be transferred to the appropriate legislative body for necessary action in accordance with the policies of that body by the OMPC director or by action of the OMPC as an agenda item as the OMPC director deems necessary. .

3.4 FINAL PLAT. Before transferring title to any portion of a subdivision which is pending before the OMPC, the subdivider shall obtain OMPC approval to be shown on the final plat. Approval may be obtained in accordance with the following procedure:

3.41 Formal Application and Submission. The subdivider shall file formal application for subdivision approval on a form supplied by the OMPC and shall submit therewith a final plat prepared by a land surveyor in conformance with the requirements of Article 4 of these regulations. Final plats will be submitted to the OMPC at least seven (7) days prior to the date of a regular meeting in order to be considered at that meeting. For minor amendments to final subdivision

plats, the plat content shall be as required for major subdivision final plats (Section 4.3) and the approval process shall be as for minor subdivision plats (Section 2.1 and 2.11)

3.42 Staff Review. The OMPC staff shall review the plat and make recommendations to the OMPC. No action shall be taken on plats prior to staff recommendations.

3.43 OMPC Action. After submission of the final plat and the required information concerning improvements, the subdivider or his agent will appear before the OMPC at either a regular or called meeting, at which time the final plat will either be approved or disapproved.

3.431. If the final plat is disapproved, the reasons will be stated at the meeting and recorded in the minutes.

3.432. If the final plat is approved, the approval will be endorsed on the original tracing, which then will be returned to the subdivider.

3.44 Recording. After the approval of the final plat by the OMPC, it shall be recorded at the expense of the subdivider in the office of the Daviess County Clerk.

3.45 Digital Submittal required. Upon approval of a major final subdivision plat, the contents of the approved plat shall be submitted in electronic format to the Owensboro Metropolitan Planning office. The following criteria shall apply for digital submittals.

3.451 File shall be submitted in **.dxf .dwg, .dgn** or other approved format.

3.452 File shall contain name of subdivision, phase and section number in file identification title.

3.453 File shall include a level or layer key to identify information contained in each layer or level.

3.454 At a minimum, the following information shall be contained in a segregated level or layer. Additional levels or layers may be included as necessary.

3.4541 Tract boundaries, locations, distances and bearing of lot lines, addresses and lot numbers, graphic depictions of right-of-ways, streets, sidewalks, railroads and other public ways adjacent to or within the subdivision, building setback lines, roadway buffers when required to be depicted, access points when required to be

depicted, flood hazard areas, control monument locations with Kentucky State Plane South coordinates and elevation in accordance with Owensboro-Daviess County GIS practices or approved equal with Control Reference Summary data sheet beginning January 1, 2007. Control Reference Summary data sheet and typical construction detail for control monuments are available from the Owensboro-Daviess County GIS office.

3.4542 Existing and new utility easements.

3.4543 Sanitary sewer systems, including existing and proposed pipe locations and sizes, and manhole locations when applicable

3.4544 Storm drainage systems, including location and widths of surface drainage channels, paved bottom segments and location of retention areas when applicable

3.4545 Water distribution systems, including location and size of existing and proposed water lines, valve and fire hydrants when applicable.

3.5 ACCEPTANCE OF PUBLIC LANDS AND STREETS. The approval of the final plat by the OMPC shall not be deemed acceptance of the dedication of any public lands, streets, etc. Such acceptance will be made by the appropriate legislative body in the manner prescribed by law.