

# **SUBDIVISION REGULATIONS**

## **CITY OF MARION**



### **Marion Planning Commission**

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**February 22, 1999**

**SUBDIVISION REGULATIONS**

**CITY OF MARION**

**with  
Public Facility Specifications  
and Design Standards**

**Marion Planning Commission**

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**February 22, 1999**

A copy of the Marion Subdivision Regulations is on file with the City Clerk, City of Marion, 108 E. Bellville, Marion, Kentucky and may be viewed during regular working hours. Additional copies of the Marion Subdivision Regulations can be obtained from the City Clerk's Office during regular working hours.

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# MARION SUBDIVISION REGULATIONS

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## ARTICLE 1 GENERAL PROVISIONS

### 1.1 PURPOSE OF SUBDIVISION REGULATIONS

These Subdivision regulations are designed to:

- Encourage the development of sound, healthful and economically stable residential, commercial, industrial and public areas;
- Ensure proper design of streets;
- Ensure that adequate provision is made for water, sewer, fire, and drainage facilities;
- Coordinate land development in such a manner as to ensure that the future physical growth of Marion will be orderly, efficient, and with a the minimum outlay of public expenditures in providing services to new growth areas; <sup>type</sup>
- Provide for the protection of environmentally sensitive and geologic hazard areas;
- Minimize fire hazards;
- Mitigate flooding hazards;
- Provide for the proper disposal of sewage;
- Enhance the unique aesthetics of the community;
- Provide for the overall harmonious development of the community in accordance with the *Marion Comprehensive Plan*.

### 1.2 TITLE

These subdivision regulations shall be known and may be cited as "The Subdivision Regulations of Marion, Kentucky".

### 1.3 AUTHORITY AND ADMINISTRATIVE AGENCY

These regulations have been adopted by the City of Marion pursuant to the authority granted to it under Kentucky Revised Statutes (KRS) Chapter 100 and the City of Marion does hereby exercise the power and authority to review, approve and disapprove plats for the subdivision of land. These regulations shall be administered by the Marion Planning Commission, herein after called the "Planning Commission".

### 1.4 AREA OF JURISDICTION

The provisions in these regulations shall be applicable in the City of Marion.

### 1.5 AMENDMENTS

The City of Marion may from time to time, revise, modify or amend these regulations by appropriate action after a public hearing has been held, and recommendations made, by the Planning Commission.

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### **1.6 FILING AND INSPECTION FEE**

The following fees, as from time to time established by the Planning Commission, shall be paid by the subdivider:

- 1.6.1 A fee for plat review and for final plat review. A fee for recording the plat, restrictions, and a certificate of land use restriction in the Office of the Crittenden County Clerk. The Planning Commission may also adopt any other fees it deems necessary to carry out the requirements of these subdivision regulations.

### **1.7 NO SELLING OF LAND BEFORE APPROVAL**

- 1.7.1 No person owning land comprising a subdivision, or agent of the owner, shall offer, transfer, sell or agree to sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision before such plat has received final approval of the Planning Commission and has been recorded.
- 1.7.2 No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Commission.
- 1.7.3 Any instrument purporting to transfer of title to property which has not been approved as provided by KRS Chapter 100 and these subdivision regulations shall be void. This instrument shall not be recorded by the Crittenden County Clerk.
- 1.7.4 The description of any land 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 the lot from penalties provided for in these regulations, nor shall it deprive the purchaser of any rights or remedies the person may otherwise have.

### **1.8 RECORDING OF PLATS**

No plat of a subdivision of land within the City of Marion shall be recorded by the Crittenden County Clerk until the plat has been approved by the Planning Commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the Planning Commission.

### **1.9 ENFORCEMENT AND PENALTIES**

- 1.9.1 It shall be the duty of the Planning Commission to enforce the provisions of these subdivision regulations and to bring to the attention of Marion City Council any violations or lack of compliance.
- 1.9.2 Violation of the provisions of these regulations and the penalties provided therein , shall be governed by the provisions of KRS Chapter 100.
- 1.9.3 The Planning Commission and the Marion City Council shall have remedies in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent occupancy of a building, structure, or premises in violation of these regulations. These remedies shall be in addition to

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the penalties described in 1.9.2.

### **1.10 EFFECT OF PRIVATE DEED RESTRICTIONS**

- 1.10.1 Nothing in these regulations shall prohibit the owner of the subdivision from placing self-imposed restrictions or imposing higher standards than required by these regulations, so long as those standards do not violate these regulations.
- 1.10.2 Private deed restrictions or private covenants do not fall within the jurisdiction of enforcement of the Planning Commission and cannot be enforced by the Planning Commission.

### **1.11 INTERPRETATION**

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements. More stringent provisions may be required by the Planning Commission, if it is demonstrated that different standards are necessary to promote the public health, safety and welfare. When requiring a higher standard than the minimums stated in these regulations, the Planning Commission will be governed by the following:

- 1.11.1 There are specific on-site or off-site tract conditions that adversely affect the properties under consideration that would otherwise cause the property to be unsuitable for development.
- 1.11.2 The land to be subdivided shall be of such type and character that the additional requirements are required in order to insure that the property can be used for building purposes without threat from flooding, erosion, contamination or other manmade or environmental hazards.

### **1.12 IMPROVEMENTS**

No public facility, such as sidewalks, water or sewer lines, drainage ditches or streets, shall be made within any subdivision by the subdivider, or by any other entity at the request of a subdivider, until the plat for the subdivision and the plans for the public facility have been properly reviewed and approved by the Planning Commission.

### **1.13 DEVELOPMENT IN PHASES (See Illustration 1 at the back of the subdivision regulations)**

Where a tract of land is proposed to be subdivided in several stages over a period of years and the subdivider intends to request approval in parts, the subdivider is encouraged to submit a plan of the entire tract which will eventually be developed, with proposed sections shown at the time of submission of the first part. The purpose for submitting the plan for the entire tract is to allow the Planning Commission to determine that the total design as proposed for the entire subdivision is feasible.

### **1.14 MINIMUM DESIGN STANDARDS, RELATIONSHIP TO MARION ZONING REGULATIONS, AND CONFLICT WITH OTHER REGULATIONS**

- 1.14.1 Plans filed pursuant to these subdivision regulations shall be required to comply with the Marion zoning regulations, after they have been adopted.



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- 1.14.2 These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law except as provided in these regulations.
- 1.14.3 A subdivision of land within the City of Marion will not be approved unless it conforms with the development agreement entered into under the provisions of the zoning regulations, after they have been adopted. Development agreements may not be amended or altered by approval of a plat by the Planning Commission.
- 1.14.4 Where there is a discrepancy between the minimum standards set forth in these regulations and those contained in other regulations, law, or ordinance, the regulation which are more restrictive and impose higher standards or requirements shall govern.

### 1.15 PERMITS REQUIRED TO PLACE MANUFACTURED HOMES OR MODULAR HOME

After the passage of these subdivision regulations, any one seeking to place a manufactured home, modular home, on a vacant lot or replace a manufactured home or mobile home on an existing occupied lot occupied by a manufactured home or mobile home must obtain a permit. Permits may be applied for at Marion City Hall during normal working hours. Mobile Homes as defined in these subdivision regulations will not be permitted.

The permit for a manufactured home or modular home will contain the name and address of the applicant, the location of the lot, a drawing showing the general dimensions of the lot, the placement of the unit on the lot, and a description (set of building plans as prepared by the manufacturer or photographs of the unit. The permit will also contain information showing the unit will be connected to public water supply and sewer system and the unit will not be adversely affected by drainage or flooding.

The application for a manufactured home or modular home will be considered at the next available Planning Commission meeting. The Planning Commission may approve, disapprove or approve with conditions the application. If the application is approved, the manufactured home or modular home may be placed on the lot. If the application is disapproved, the Planning Commission shall, in writing, give the applicant the reasons why the application was disapproved. If the application was approved with conditions, the Planning Commission shall state the conditions under which the application would be approved.

### 1.16 VARIANCES, EXCEPTIONS, AND WAIVER OF CONDITIONS

- 1.16.1 When the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations. The variance, exception or waiver granted shall not have the effect of nullifying the intent and purpose of these regulations. Further, the Planning Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:
- A. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;

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- B. The conditions upon which the request is based are unique to the property for which the relief is sought and are not generally applicable to other property;
- C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship, as distinguished from a mere inconvenience, to the owner would result, if the strict letter of these regulations is carried out;
- D. The condition upon which the request is based was not caused by an action by the property owner subsequent to the adoption of these regulations.
- E. The relief sought will not in any manner vary the intent of the *Marion Comprehensive Plan*, or vary the provisions of the official map, except that those documents be amended in the manner prescribed by law.
- F. The relief sought will not vary the zoning regulations, when they have been adopted.

### **1.17 SEPARABILITY REGULATIONS**

Should any section, subsection, paragraph or provision of these regulations be adjudged by a court of competent jurisdiction to be invalid or unenforceable, all remaining provisions of these regulations shall remain in full force and effect.

### **1.18 NOTIFICATION ADDRESS**

All notices required by these regulations to be given to the subdivider, shall be sufficient if given to the address of the subdivider as reflected in the relevant application filed with the Planning Commission.

### **1.19 OTHER REGULATIONS AFFECTING LAND**

Nothing in these regulations is intended to abrogate any other law, rule, or regulation affecting real estate.

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## ARTICLE 2 DEFINITIONS

### 2.1 PURPOSE OF DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning herein indicated.

### 2.2 DEFINITIONS OF WORDS

2.2.1 The use of the present tense shall be interpreted to include the future.

2.2.2 The word "person" includes a firm, entity, association, organization, partnership, trust, company, or corporation as well as individual.

2.2.3 The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

2.2.4 The word "structure" includes the word "building" and the words "building" and "structure" include any part thereof.

### 2.3 DEFINITIONS

**ADMINISTRATIVE OFFICER:** Any department, employee, advisory, elected or appointed body or official which is authorized to administer the provision of these Subdivision Regulations.

**ALLEY:** A service roadway providing secondary access to the abutting property and not intended for general traffic circulation.

**BLOCK:** A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, shorelines of waterways, or any other barrier to the continuity of development. See Illustration 3 at the back of the subdivision regulations.

**BUILDABLE AREA:** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See illustration 2 and 4 at the back of the subdivision regulations.

**BUILDING LINE:** A setback line parallel to a property line beyond which one may not build any improvements. See Illustration 2 at the back of the subdivision regulations and setback line.

**CITY ENGINEER:** Marion City Engineer or Engineer for the City.

**CITY ADMINISTRATOR:** Marion City Administrator.

**COMPREHENSIVE PLAN:** The long range plan adopted by the Planning Commission and the Marion City Council in accordance with KRS Chapter 100.183-197, which is intended to guide the growth and development of the City of Marion. It contains the general location and extent of present

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and proposed physical facilities including housing, commercial and industrial uses, transportation facilities, recreation and parks, community facilities, and land use.

**CONDOMINIUM:** A building, or group of buildings, in which each individual unit are held in separate private ownership and all floor space, facilities and outdoor areas used in common by all tenants are owned, administered and maintained by a corporation created pursuant to the provisions of KRS Chapter 381.805 to 381.910.

**DEVELOPER:** The legal or beneficial owner or owners of a lot or of any land included in a proposed subdivision. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

**DWELLING UNIT:** One or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use for a single household.

**EASEMENT:** A grant of one or more of the property rights by the property owner to and for the use by the public, a corporation or another person or entity for a specific purpose.

**LOT:** A parcel, tract, plot or area of land established by a subdivision or other parcel of land as permitted by law, for the purpose, whether immediate or future, of transfer of ownership, or possession, lease, or building development.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, the interior angle of such intersection is less than 135 degrees. See Illustration 3 at the back of the subdivision regulations.

**LOT DEPTH:** The average distance measured between the front and rear lot lines. See Illustration 3 at the back of the subdivision regulations.

**LOT, FLAG:** A large lot not meeting minimum frontage requirements and where access to the public street a narrow, private rights-of-way or driveway. See Illustration 3 at the back of the subdivision regulations.

**LOT FRONTAGE:** The length of the front lot line measured at the street rights-of-way line. See Illustration 3 at the back of the subdivision regulations.

**LOT LINE:** A line of record, bounding a lot, that divides one lot from another lot or from a street or any other public space. See Illustration 2, 3 and 4 at the back of the subdivision regulations.

**LOT LINE, FRONT:** The lot line separating a lot from the street rights-of-way. See Illustration 2 at the back of the subdivision regulations.

**LOT LINE, REAR:** The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. See Illustration 2 at the back of the subdivision regulations.

**LOT LINE, SIDE:** Any lot line other than a front or rear lot line. See Illustration 2 and 3 at the back

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of the subdivision regulations.

**LOT OF RECORD:** A lot that exists as shown or described on a plat or deed and which has been placed on file in the Crittenden County Court Clerk's office at the time of the adoption of these subdivision regulations.

**LOT WIDTH:** The horizontal distance between the side lines of a lot measured at right angle to its depth along a straight line parallel to the front lot line at the minimum required building setback line. See Illustration 3 at the back of the subdivision regulations.

✓ **MAJOR SUBDIVISION:** All subdivisions not classified as minor subdivisions.

✓ **MINOR SUBDIVISION:** A subdivision of land not involving any of the following: (1) not more than five (5) lots fronting on an existing street with public water and sewer service available; (2) developed under provisions of planned development provisions of the Marion Zoning Regulations, after they have been adopted; (3) not involving any new street; (4) not involving the extension of any off-site public facility and not adversely affecting the remainder of the parcel or adjoining property; or (5) not in conflict with any provision of the Marion Zoning Regulations, after they have been adopted.

**MULTI-FAMILY:** A building containing three or more dwelling units, including units that are located one over the other.

**PLANNING COMMISSION:** The Marion Planning Commission.

**PUBLIC FACILITIES:** Any facility provided by the City of Marion, Crittenden County, the Commonwealth of Kentucky or their agencies, or by a gas, telephone or cable company.

**REGISTERED ENGINEER:** A person licensed and registered by the Commonwealth of Kentucky to practice engineering.

**REGISTERED LAND SURVEYOR:** A person licensed and registered by the Commonwealth of Kentucky to practice land surveying.

**SETBACK LINE:** That line that is the required minimum distance from any lot line and that established the area within, which the principal structure must be erected or placed. See Illustration 2 at the back of the subdivision regulations.

**STREET:** Any way for vehicular traffic that: (1) is an existing state, county, or city street; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Crittenden County Clerk's Office prior to the adoption of these subdivision regulations.

**STREET, DEAD-END WITH CUL-DE-SAC:** A local street with common ingress and egress and with a vehicular turnaround at the end.

**STREET, DEAD-END:** A local street having only one end providing access to another street and does not provide a turnaround circle at their closed end except a permanent cul-de-sac.

**STREET, LOCAL:** A street whose function is primarily to provide access to abutting properties and

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carries traffic having destination or origin on the street itself and to discourage through traffic. Traffic volumes should not exceed 250 ADT count.

**STREET, PUBLIC:** A street than has been accepted for maintenance by the City of Marion, Crittenden County, or Commonwealth of Kentucky.

**STREET, PRIVATE:** A means of access within a subdivision which gives access to a public street and is owned and maintained by the property owners within the subdivision.

**SUBDIVISION:** The division of a parcel of land into three or more lots, for the purpose, whether immediate or future, of sale, lease, or building development, including all changes in street or lot lines, or if a new street is involved, any division of a parcel of land. The division of land for agricultural purposes, in parcels of more than five (5) acres not involving a new street, shall not require a plat. The term includes re-subdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided.

**YARD, FRONT:** A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. See Illustration 2 and 4 at the back of the subdivision regulations.

**YARD, REAR:** A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building at the closest point to the rear lot line. See Illustration 2 and 4 at the back of the subdivision regulations.

**YARD, SIDE:** A space extending the front yard to the rear yard between the principal building and the side lot line and measured perpendicular to the side lot to the closest point to the front lot line. See Illustration 2 and 4 at the back of the subdivision regulations.

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## ARTICLE 3 TYPES OF SUBDIVISIONS

### 3.1 PURPOSE OF ARTICLE 3

The purpose of article 3 is two fold. First, to establish the classes of subdivisions on the basis of relative importance to the community's overall long range development. Second, to permit the Planning Commission to review authority to review all types of development and to set administrative provisions for this purpose.

### 3.2 CLASSIFICATION OF SUBDIVISIONS

All proposed subdivisions shall be classified by the Planning Commission or their designee, and such determination shall be presumed to be correct. The following classifications of subdivisions may be assigned as set forth in these regulations:

- A. Lot of record
- B. Exempt plat
- C. Agricultural plat
- D. Major plat
- E. Minor plat

### 3.3 LOT OF RECORD

To qualify as a lot of record, the property must have been recorded in a deed or plat in the Office of the Crittenden County Clerk prior to the effective date of these regulations. The Planning Commission may approve the enlargement of a lot of record even though the lot after being enlarged does meet the minimum lot requirements of these regulations.

### 3.4 EXEMPT SUBDIVISION

To qualify as an exempt subdivision, the subdivision must meet the requirements of KRS Chapter 100.111(22) or be a cemetery. Exempt plats may be approved and signed by the Planning Commission Chairman or their designee without Planning Commission review, when certified by the City Administrator that the plat qualifies as an exempt plat.

### 3.5 AGRICULTURAL SUBDIVISION

To qualify as an agricultural subdivision, the subdivision must be five (5) acres or more, and have frontage on a public street and be used for agricultural purposes. The Planning Commission at its sole discretion shall determine whether the property is intended for agricultural purposes.

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### **3.6 MINOR SUBDIVISION**

To qualify for consideration as a minor subdivision plat, the subdivision must meet one or more of the following situations:

- 3.6.1 Where the proposed subdivision contains five (5) or fewer lots, including the remainder of the tract and all lots front on an existing public street and involves no widening or extensions of the surface of a public street;
- 3.6.2 Does not include any new street, dedication of rights-of-way, or granting of rights of ingress or egress except to establish the boundary of an existing street right-of-way;
- 3.6.3 Conforms to the setback line requirements and other requirements of the applicable zoning district; after the Marion Zoning Regulations have been adopted and does not include a provision for a dedication of public land area or public facility except utility easements;
- 3.6.4 Where up to and including five (5) lots of record are consolidated to create a lesser number of parcels and involve no new public facility or lot revision to lot lines.
- 3.6.5 Where there is a need to make technical revisions to a recorded final major plat of an engineering or drafting nature or similar small technical discrepancy, but not including the layering of any property lines, building lines or public facility requirements.
- 3.6.6 Where there is a need to amend a recorded minor plat for the purpose of release or modification of existing easements and the addition of new easements.

### **3.7 MAJOR SUBDIVISIONS**

The class of "major" subdivisions are those subdivisions of land which are of greater importance to the long range growth and development of the City of Marion. All subdivisions which do not conform to the definition and meet the criteria for minor subdivisions shall be considered as a major subdivision. This includes all subdivision of land proposing the creation of a new street or extension of public facilities.

### **3.8 OFFICIAL SUBMISSION DATES**

For the purpose of these regulations, the Planning Commission shall publish a set of filing dates for the submission of subdivision plats for approval. The filing date shall be at least seven (7) days prior to the date of a regular Planing Commission meeting in which the subdivision is to be considered at that meeting. Applications for subdivision approval will be filed with the City Administrator at City Hall during regular office hours.

### **3.9 CEMETERIES**

These regulations shall not apply to the subdivision of burial lots in cemeteries, except for the requirement to file a plat of record with the Crittenden County Clerk. Lots in a proposed or existing cemetery shall be considered an exempt subdivision.



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### 3.10 PROVISIONS FOR ALTERNATE STYLES OF DEVELOPMENT

The Planning Commission shall approve a plat for an alternative development style, such as a planned unit development, condominium (referred to as a horizontal property within Kentucky Statutes), clustered development, manufactured home park or multi-family development. A subdivision of land approved which contains an alternative development style must be approved in conformity with the development agreement that was entered into under the provisions of the zoning regulations, after they have been adopted. Development agreements may not be amended or altered by approval of a plat by the Planning Commission. In reviewing a manufactured home park the Planning Commission shall insure that the manufactured home park meets the state regulations governing manufactured home parks.

### 3.11 ADMINISTRATIVE PROCEDURE FOR ALTERNATIVE FORMS OF DEVELOPMENT

Regardless of the name or the provisions that these alternate forms of development take, the Planning Commission shall approve the establishment, expansion or diminution of any alternate development style proposed to be built. The Planning Commission will follow the major subdivision procedures when reviewing an alternative form of development.

### 3.12 REGULATIONS GOVERNING THE PLACEMENT OF MANUFACTURED HOMES, MOBILE HOMES AND MODULAR HOMES

#### 3.12.1 INTENT

It is the intent of this section to establish a procedure for and encourage alternative, modest housing in general residential areas by permitting the use of certain manufactured homes, as defined in these subdivision regulations, in all areas in which similar dwellings constructed on site are located.

#### 3.12.2 CLASSIFICATION OF MANUFACTURED HOMES, MOBILE HOMES AND MODULAR HOMES

Manufactured homes, mobile homes, and modular homes shall be classified by type as to acceptable compatibility or similarity in appearance with site constructed residents within the City of Marion:

A. **Manufactured Home Type A:** A single-family residential dwelling unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards, after June 15, 1976, in an off site manufacturing facility. The manufactured home is intended for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards and that satisfies each of the following additional criteria:

1. The home has a length not exceeding four times its width;
2. The pitch of the home's roof has a minimum vertical rise of four inches for each foot of run (4:12). The run is equal to one half the span;
3. The roof is finished with a type of shingle that is commonly used on site-built residential construction, such as wood, tile, or composition shingles;
4. Exterior covering material extending to the ground or to the top of the

*Foafar  
24" square  
depth of 12"  
if have skirting.*

## MARION SUBDIVISION REGULATIONS

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- foundation shall be used;
5. The exterior material shall be material customarily used for site-built dwellings, such as board siding, hardboard, or non-reflective aluminum, vinyl, stucco, brick, comparable in composition, appearance, and durability to the exterior siding commonly used in site-built residential construction;
  6. A continuous, permanent masonry foundation system, not pierced except for required ventilation and access, is installed under the home;
  7. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy;
  8. The structure is no more than three (3) feet off the ground at its highest point.
  9. Structural additions or alterations which are added to the type A unit will be made in accordance with the residential building code adopted by the City of Marion.
- B. **Manufactured Home Type B:** A single-family residential dwelling unit constructed in accordance with the Federal Manufactured Housing Construction and Safety Standards after June 15, 1976, in an off site manufacturing facility. The manufactured home is intended for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards but does not satisfy each of the criteria necessary to qualify the home as a Type A manufactured home. Structural additions or alterations which are added to the type B unit will be made in accordance with the residential building code adopted by the City of Marion.
- C. **Mobile Home:** A detached residential dwelling unit designed for transportation as one unit, after fabrication, on streets or highways on its own wheels, on flatbed or other trailers, and arriving at the site as one unit ready for occupancy except for minor and incidental unpacking and minor assembly operations and was not constructed under the Federal Manufactured Housing Construction and Safety Standards.
- D. **Modular Home:** A dwelling unit constructed in accordance with the standards set forth in the Kentucky Building Code as applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the Kentucky Building Code or a series of panels or room sections transported on a truck and erected or joined together on the site.

### 3.12.3 LOCATION OF MANUFACTURED HOMES, MOBILE HOMES, AND MODULAR HOMES

Manufactured homes, mobile homes, and modular homes shall be permitted within the City of Marion as follows:

- A. Type A manufactured and modular homes will be permitted in any neighborhood within the City of Marion.

## MARION SUBDIVISION REGULATIONS

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- B. Type B manufactured homes will be permitted within any manufactured home park within the City of Marion.
- C. Mobile homes will not be permitted within the City of Marion.

### 3.12.4 SETBACK AND YARD REQUIREMENTS

- A. The minimum front yard setback shall be thirty (30) feet from the front property line if the property fronts on a local street. The minimum front yard setback on all other streets shall be one half of the rights-of-way or thirty (30) feet which ever is greater.
- B. The minimum side yard setback from the side property line shall be ten (10) feet unless the side yard has frontage on public road in which case the setback will be same as front yard setback requirement.
- C. The minimum rear yard setback from rear property line shall be twenty five (25) feet unless rear property line has frontage on public road in which case the setback will be same as front yard setback requirement.
- D. Building setback lines, as established by this section, may be greater than these minimums; however, for purposes of establishing minimum lot width of a lot, this distance shall not exceed 100 feet.
- E. Variances may be granted where existing development on adjoining lots does not meet this front yard requirement.

### 3.12.5 STATUS OF EXISTING MANUFACTURED HOMES, MOBILE HOMES, AND MODULAR HOMES

All existing mobile homes or Type B manufactured homes will become non-conforming structures with the passage of these subdivision regulations and may continue so long as they remain in good repair and remain on the existing lot. Structural additions or alterations which are made to the dwelling unit must be made in accordance with the residential building code adopted by the City of Marion.

# MARION SUBDIVISION REGULATIONS

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## ARTICLE 4 PROCEDURE FOR MINOR AND MAJOR SUBDIVISION PLATS

### 4.1 PURPOSE

The purpose of Article 4 is to establish the application procedures and content requirements to be met by minor or minor plats and the Planning Commission's procedure for reviewing and approving these subdivisions.

### 4.2 PROCEDURE FOR MINOR PLATS

4.2.1 The subdivider of a minor subdivision shall file a formal application, pay all applicable fees to the Planning Commission, and submit four (4) copies of the minor plat containing all materials which are required by these regulations. All requirements of this section must be met and the materials and fees filed with the City Administrator at City Hall, at least seven (7) days prior to the Planning Commission meeting when subdivider desires the minor plat to be considered.

4.2.2 Upon receipt of the application, fee payment and receipt of the minor plat, the City Administrator shall notify the Planning Commission Chairman. The City Administrator will have the plat circulated to all concerned utilities and agencies for their review. Comments from the utilities and agencies should be received two (2) days prior to the Planning Commission meeting, at which time the minor plat is to be considered.

4.2.3 The Planning Commission will review the minor plat at its next regular scheduled meeting, following the filing deadline for the minor plat. If the Planning Commission fails to meet at its regular scheduled meeting, the Planning Commission Chairman may approve the plat if it meets all the requirements of these regulations. By this action, the Planning Commission Chairman may not waiver any standard or requirement of these regulations.

- A. In considering a minor plat, the Planning Commission shall approve, subject to conditions, disapprove, or make a determination that a more thorough investigation of the proposed plat is required and that the minor plat shall be filed as a major plat.
- B. The Planning Commission shall make its determination on the minor plat at the meeting in which it is presented for consideration.
- C. If the Planning Commission requires the minor plat to be filed as a major plat, the subdivider shall be notified in writing of this decision of the Planning Commission within three (3) business days following the Planning Commission meeting. Notification shall be effective upon placing the notification in the U. S. Mail.
- D. The minutes of the Planning Commission meeting shall indicate that the minor plat was reviewed and the action taken on each minor plat as a separate item in the minutes. When the Planning Commission determines that a more thorough investigation is needed, then the developer must undertake and file the plat as a major plat. The minutes of the Planning Commission shall show the specific reasons for such determination.

## **MARION SUBDIVISION REGULATIONS**

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4.2.4 Following the approval of the minor plat by the Planning Commission, the Chairman or other designee of the Planning Commission shall sign the Planning Commission certification on behalf of the Planning Commission.

4.2.5 Following the signing of the Planning Commission certification, the minor plat will be promptly recorded by a designee of the Planning Commission in the Office of the Crittenden County Clerk. A certificate of land use restriction will also be promptly filed by a designee of the Planning Commission in the Office of the Crittenden County Clerk.

### **4.3 PROCEDURE FOR MAJOR PLATS**

The procedures outline below shall be followed by the developer and Planning Commission in the submission of major subdivision plat and construction plans and the review and approval of the subdivision.

### **4.4 PRE-APPLICATION CONFERENCE**

4.4.1 In order to expedite the processing of major subdivision plats, the subdivider or his agent may meet and consult informally with Committee of the Planning Commission and the City Administrator at a pre-application conference. The purpose of the meeting is as follows:

- A. Discuss these regulations and the requirements of all public facilities;
- B. Discuss the location of existing streets, water and sanitary sewer systems, drainage system, electrical, telephone, and cable and other pertinent public facilities and the policies governing their extension into the subdivision;
- C. Provide the Planning Commission and other agencies an opportunity for input at the formative stages of the subdivision's design and any other potential issues which may be involved and related to the proposed subdivision.

4.4.2 The subdivider or his agent shall present for discussion a sketch plan showing generally the boundaries of the proposed subdivision, the proposed location and widths of streets, lot and drainage patterns, general location of closest existing water and sewer lines that are proposed to serve the subdivision, plus any other pertinent information then known to the subdivider. See Illustration 6 at the back of the subdivision regulations.

4.4.3 The participants in the pre-application conference shall not be bound by the determinations of the pre-application conference.

### **4.5 TYPES OF MAJOR SUBDIVISION PLATS**

All major subdivisions must follow the procedure for preliminary and final subdivision plants.

### **4.6 PRELIMINARY SUBDIVISION PLAT**

#### **4.6.1 APPLICABILITY**

- A. All major subdivisions shall be first considered by the Planning Commission as preliminary subdivision plats.

## MARION SUBDIVISION REGULATIONS

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- B. The preliminary plat shall set forth the general development scheme for the entire parcel being developed at this time. [If additional adjoining property is in the same ownership and is expected to be developed at a future date, the subdivider or his agent is encouraged to include the entire tract for preliminary review.]
- C. The preliminary plat shall expire three years from the date of final action on preliminary approval by the Planning Commission unless renewed by the Planning Commission at a regular meeting, and such renewal recorded in the minutes of the Planning Commission.
- D. The subdivider is responsible for filing the written request for an extension of the approval of the preliminary plat.

### 4.6.2 PROCEDURE

Following the pre-application conference, the subdivider or his agent shall file a completed application form, pay applicable fees, and submit the preliminary plat prepared in conformance with the requirements of these regulations. The preliminary plat with all other required materials will be filed with the City Administrator seven (7) days prior to the Planning Commission meeting at which the subdivision will be reviewed. The Subdivider may pick up a list of filing dates as published by the Planning Commission from the City Administrator.

### 4.6.3 PUBLIC NOTIFICATION

The Planning Commission shall have notice sent to the subdivider of the subdivision, and the other owners of land immediately adjoining the area proposed to be subdivided, informing them of the date of the public hearing. The notice shall be by registered U. S. mail and shall give the date, time and place of the public hearing. The notice shall be mailed and postmarked not less than ten (10) days prior to the date of the public hearing. The subdivider shall be responsible for preparing the list of names and addresses of adjoining properties and submitting them at the time the application is made for preliminary approval. Records maintained by the Crittenden County Property Value Administrator's (PVA) office may be relied upon conclusively to determine the identity and address of the adjoining properties.

### 4.6.4 PLANNING COMMISSION ACTION

- A. The Planning Commission will hold a public hearing on the preliminary plat at the next regular scheduled meeting following the filing of the preliminary plat. An opportunity to be heard shall be given to the owner of the subdivision, his agent, and any other interested party before the Planning Commission takes action upon the preliminary plat.
- B. Within sixty (60) days after the hearing on the preliminary plat, the Planning Commission shall approve, disapprove, or approve subject to conditions the preliminary plat.
- C. If the preliminary plat is disapproved or approved subject to conditions, the reasons will be stated at the public hearing when final action on the subdivision plat is taken. The subdivider shall be notified in writing of the reasons for disapproval or conditional approval. If the subdivider does not submit an acceptable amended plat addressing the reasons for disapproval or conditional approval within ninety (90) days of the final action on the preliminary plat by the Planning Commission, the subdivider must file a new preliminary plat application in the same manner as the original filing including the

## MARION SUBDIVISION REGULATIONS

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- payment of the application fee.
- D. Following the approval by the Planning Commission or when all conditions have been satisfactorily completed, the authorized representative of the Planning Commission shall sign the preliminary plat and return one copy of the approved plat to the subdivider. Following the signing of the Planning Commission certification, a certificate of land use restriction will be promptly filed by a designee of the Planning Commission in the Office of the Crittenden County Clerk.
  - E. Approval of the preliminary plat shall not constitute acceptance of the final plat. The final plat shall be approved by the Planning Commission if the subdivider complies with all the stipulations as required on the preliminary plat.

### 4.7 FINAL SUBDIVISION PLAT

- 4.7.1 Final plats may include all or a portion of the area contained in a preliminary approved plat or a preliminary plat approved with conditions. Final plats must comply with the preliminary approved plat and it may not contain areas which have not received preliminary approval or approval with conditions.
- 4.7.2 Final plats shall not be considered at the same meeting as the preliminary plat.
- 4.7.3 The subdivider shall file an application for final plat approval on a form supplied by the Planning Commission and shall submit therewith a final plat prepared by a land surveyor in conformance with the requirements of these regulations. Final plats will be submitted to the Planning Commission at least seven (7) days prior to the date of a regular meeting in order to be considered at that meeting. Final plats shall be submitted to the City Administrator at the City Administrator's office in the Marion City Hall during regular business hours.
- 4.7.4 Upon receipt of the final plat, the City Administrator shall notify the chairman of the Planning Commission.
- 4.7.5 After submission of the final plat and the required information concerning improvements, the subdivider will appear before the Planning Commission, at a regular meeting, at which time the Planning Commission shall consider the final plat.
- 4.7.6 The Planning Commission may either approve, disapprove, or conditionally approve the final plat.
  - A. If the final plat is disapproved, the Planning Commission shall state the reasons for the disapproval in the minutes of the Planning Commission. The Secretary of the Planning Commission shall transmit the decision of the Planning Commission to the subdivider by registered U. S. Mail.
  - B. If the final plat is approved with conditions, the planning commission shall state the conditions that must be met prior to recordation of the final plat in the minutes of the Planning Commission. The Secretary of the Planning Commission shall transmit the decision of the Planning Commission to the subdivider by registered U. S. Mail.
  - C. The Subdivider may have the final plat amended to reflect the reasons for disapproval or may take such action as would satisfy the conditions placed on the final plat approval and resubmit the final plat for consideration by the Planning Commission. Any amended final plat must be filed at least seven (7) days prior to a regular meeting

## **MARION SUBDIVISION REGULATIONS**

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in order to be considered at that meeting.

- D. If the final plat is approved, or when the subdivider has met the conditions of the final plat approval, the Planning Commission certification shall be signed by the Chairman and one other designated representative of the Planning Commission. The final plat will then be recorded in the office of the Crittenden County Clerk by the City Administrator or their designee. The expense of recording the final plat shall be paid by the subdivider.

### **4.7.7 ACCEPTANCE FOR MAINTENANCE OF PUBLIC FACILITIES**

The Planning Commission may not accept the dedication of any public lands, or easements without first receiving written consent of the Marion City Council or Commonwealth of Kentucky, which ever is appropriate. It shall be the responsibility of the subdivider to petition the Marion City Council or Commonwealth of Kentucky for a letter stating that the appropriate government body or agency will accept the dedication and maintenance of the public lands or easements.

Approval of the final plat by the Planning Commission, shall constitute approval and acceptance of any dedication to public use of any street rights-of-way or sites shown on the final plat.

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 the Marion City Council forty-five (45) days after inspection and final approval by the City Engineer.

### **4.8 FINAL PLAT AMENDMENTS**

The procedure, format and content for an amendment to an approved final plat for a major subdivision shall be the same as for the final plat submission, Section 6.5, except the title in the title block shall indicate "Amendment # \_\_\_\_\_". A purpose statement shall be added and shall contain 1) a reference to the plat file where the original final plat is recorded; 2) an identification of the lots affected by the amendment; 3) purpose of the amendment; and 4) date of the amendment. No plat amendment shall be considered in effect until approved by the Planning Commission and appropriately recorded.

#### **4.8.1 CONDITIONS REQUIRING FINAL PLAT AMENDMENTS**

A plat amendment is required when there is an alteration of lots in an approved major subdivision. This may include but not be limited to:

- A. Increasing lot sizes by combination with adjoining property, whether or not the adjoining property was within the original subdivision,
- B. Transfer of land between adjoining owners within recorded subdivisions.
- C. Release or modifications of existing utility easements, or creation of new easements within an approved major subdivision.
- D. Altering of existing roadways or rights-of-way within an approved major subdivision.
- E. Subdivision restrictions affecting property within an approved major or minor subdivision.



## **MARION SUBDIVISION REGULATIONS**

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### **ARTICLE 5 CONTRACT FOR CONSTRUCTION OF IMPROVEMENTS; CONTRACT PERFORMANCE SURETY**

#### **5.1 GENERAL PROVISIONS**

If completion of all improvements, including but not limited to streets, water lines, sanitary sewer lines, fire hydrants, and stormwater drainage facilities, has not been completed prior to the time the subdivider is ready for recordation of the final plat, the Planning Commission shall:

- 5.1.1 Require completion of all improvements prior to recordation of the major plat; or
- 5.1.2 Enter into a contract with the subdivider, in a form satisfactory to the Planning Commission, whereby the subdivider shall agree to complete all improvements required by these regulations and as approved by final action of the final plat by the Planning Commission. The contract shall specify a contract amount which shall mean: An amount sufficient to pay all of the cost of installing the improvements set forth above, as determined by the Planning Commission, plus fifteen percent (15%) and a performance guarantee.

#### **5.2 CONTRACT PERFORMANCE GUARANTEE**

To secure the performance of the construction contract, the subdivider shall provide, subject to the approval of the Planning Commission, one of the following types of performance guarantee, in an amount equal to the contract amount.

##### **5.2.1 CASH SURETY**

Cash or other instruments readily convertible to cash, shall be either deposited with the Planning Commission or placed in escrow with a financial institution acceptable to the Planning Commission, at its discretion. If such cash, or instruments readily convertible to cash, are not deposited with the Planning Commission, then an escrow agreement shall be established with the financial institution in a form satisfactory to the Planning Commission. Provided however, that such escrow agreement shall provide, among other things, that the funds held pursuant to the agreement shall be held until released by the Planning Commission. Such funds shall not be used, pledged, hypothecated, assigned or otherwise used as collateral or security in any manner and that upon the failure of the performance of the subdivider to complete the improvements, the funds shall be immediately made available to the Planning Commission for its use in the completion of such improvements.

##### **5.2.2 LETTER OF CREDIT**

A letter of credit, in a form acceptable to the Planning Commission, from a financial institution acceptable to the Planning Commission in its discretion. The letter of credit shall be delivered to the Planning Commission and shall state the following:

- A. That it is an amount equal to the contract amount; and

## **MARION SUBDIVISION REGULATIONS**

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- B. That on the failure by the subdivider to complete the improvements within the required time period, the financial institution shall pay to the Planning Commission, immediately, and without further action, such funds as are represented in the letter of credit.

### **5.3 REDUCTION IN CERTAIN TYPES OF CONTRACT SURETIES**

5.3.1 If progress has been made on the completion of improvements as provided in the construction contract, in a manner satisfactory to the Planning Commission, then in its sole discretion, the Planning Commission may authorize the reduction of the performance guarantee of the construction contract, if all of the following conditions are met:

- A. The initial surety was for an amount larger than \$20,000.00;
- B. The surety has not previously been reduced by the Planning Commission;
- C. The request for a reduction was in writing and signed by the subdivider setting out the following information:
  - a. The name of the project, name of the registered engineer who prepared the subdivision plans, and the name of the contractor completing the improvements.
  - b. An itemized list of improvements which have been completed.
  - c. An itemized list of improvements that remain to be completed.
  - d. An itemized list of the value of the improvements completed.
  - e. Certification by the registered engineer who designed the project that the detailed improvements have been completed, in accordance with the approved subdivision plans and specifications;
- D. The City Engineer, shall concur in the facts set out in the request for reduction of the amount of the contract surety.

5.3.2 If the Planning Commission authorizes the reduction of the amount of the contract surety, the reduction shall be based upon the following: A surety remaining which equals one hundred fifteen percent (115%) of the agreed estimated cost of the completion of the improvements which remain to be completed. Under no circumstances shall the total amount of any reduction approved by the Planning Commission reduce the contract surety to an amount below \$10,000.00.

### **5.4 EXTENSION OF CONTRACT PERFORMANCE SURETIES**

If the subdivider has not completed the improvements within the required time period specified by the contract surety the Planning Commission, at its sole discretion, may permit the subdivider to extend contract performance guarantee under the following stipulations: (1) That there has been satisfactory progress made in completion of improvements; and (2) The aggregate time period of all contract sureties does not exceed three years from the date the original contract surety was issued.

### **5.5 DEFAULT**

If the public facilities are not completed within the period as set forth in the contract which is required in Section 5.1 of these regulations, the performance of the construction contract as provided in this section of these regulations shall be in default and the Planning Commission may proceed against the subdivider and its surety for performance. The Planning Commission may either seek judicial relief to

## **MARION SUBDIVISION REGULATIONS**

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enforce the terms of the contract or it may recover the amount provided by the performance guarantee, letter of credit, or cash escrow and proceed to complete the improvements. If the Planning Commission shall proceed to complete the improvements, then it shall recover as a part of the construction cost its expenses associated with completing the improvements including, but not limited to, engineering fees, surveying fees, court cost, and attorneys fees, actually incurred.

### **5.6 RELEASE**

Upon completion of the public facility, as provided in these regulations, the Planning Commission shall terminate the construction contract and release its surety.

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## ARTICLE 6 CONTENT AND FORMAT OF MINOR AND MAJOR PLATS

### 6.1 PURPOSE

The purpose of article 6 is to describe the content and format of the required plat materials,

### 6.2 CONTENTS AND FORMAT OF MINOR SUBDIVISION PLATS

Each request for approval of a minor plat shall include one (1) copy of a completed application form, the original plat and three (3) copies of the original plat. The original plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger.

#### 6.2.1 PLAT SIZE

Minor plats shall be placed on a sheet of paper that is a minimum of twenty four inches by thirty six inches (24" x 36") in size. The plat will be clearly legible using a medium that is archivable quality and easily reproducible.

#### 6.2.2 TITLE BLOCK

The title block shall contain the name of the subdivision; address of the property; date of preparation of the plat; written and graphic scales; name and address of the property owner or subdivider, if different than the owner; name of registered land surveyor or registered engineer; and legal source of title of the property comprising the subdivision.

#### 6.2.3 VICINITY MAP

The vicinity map shall relate the property to be subdivided to a sufficient number of streets with their names and other landmarks to enable recognition of its location. The vicinity map shall be oriented in the same direction of the lots being subdivided, but does not need to be drawn to a particular scale.

#### 6.2.4 CONTEXT

- A. Boundary lines of the area to be subdivided and their bearings and distances.
- B. Bearings and distances to the nearest established street lines or existing official monuments, shall be accurately described on the plat;
- C. At least one corner of the land being subdivided must be referenced to a corner of any parent tract, or durable physical object, a control network (i.e. state plane coordinates) or U.S. Geodetic Survey monument, where such reference point is reasonably accessible;
- D. Location, type, material and size of all monuments and lot markers and a notation as to whether found or set;
- E. North arrow shall be shown and acreage of land to be subdivided.
- F. Location of all existing utilities on and adjacent to the land to be subdivided showing

## **MARION SUBDIVISION REGULATIONS**

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proposed connections to existing utility systems.

### **6.2.5 LOTS, STREETS, AND EASEMENTS**

- A. Lots shall be numbered in numerical order following a consistent scheme with any lots previously platted.
- B. For street and alley adjacent to land to be subdivided, the following shall be shown: the width of rights-of-way, names of street, bearings and angles of intersections, and width of street pavement;
- C. a geometrically curved line shall be identified with a beginning point, terminus point and sufficient curve data to define the curve;
- D. For all easements, lands for joint use of property owners, or other rights-of-way, show the location, width, and the printed words " utility easement", "drainage easement", or other similar designation as appropriate;
- E. For all lot lines, show dimensions, bearings and angles;
- F. For all lots, show lot lines and building setback lines;

### **6.2.6 CERTIFICATIONS**

The following certifications along with required signatures, pursuant to appendix A to these regulations:

- A. Owner's certification;
- B. Dedication of easements;
- C. Land Surveyor's certification;
- D. Planning Commission certification;
- E. Ample space must be left on the plat for Crittenden County Clerk's recording stamp.
- F. Pennyrile District Health Department certification, if one or more lots is to have on-site sewer system.

### **6.2.7 ADJOINING PROPERTY**

All adjoining properties shall have their intersections with the platted property shown in dashed lines and the owner of record of these adjoining properties identified.

### **6.2.8 DRAINAGE FACILITIES**

The location of water courses, drainage system and facility shall be shown as well as the location of any sinkholes or floodplain areas. The elevation of the regulatory flood level shall be labeled. Proposed stream or natural drainage system relocations shall be shown, if applicable.

### **6.2.9 HEALTH DEPARTMENT EVALUATION**

#### **A. IF LOTS ARE TO BE SERVED BY MARION SEWER SYSTEM**

As a part of the application for subdivision approval with the Planning Commission, the Developer shall file evidence that the Pennyrile District Health Department has given tentative approval of the subdivision plat if all lots are to be connected to the

## **MARION SUBDIVISION REGULATIONS**

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Marion Sewer System.

### **B. IF ONE OR MORE LOTS ARE TO HAVE ON-SITE SEWER SYSTEM**

As a part of the application for subdivision approval with the Planning Commission, the Developer shall file evidence that the Pennyrile District Health Department has given tentative approval of the subdivision plat if the subdivision contains one or more lots that will not be served by Marion Sewer System. The Pennyrile District Health Department environmentalist shall sign the final plat if the plat contains one or more lots that will be served by an on-site sewage disposal system.

## **6.3 CONTENTS AND FORMAT OF MAJOR SUBDIVISION PLATS**

### **6.3.1 PRELIMINARY PLAT**

#### **A CONTENT AND FORMAT**

Each request for approval of a preliminary plat shall include one (1) copy of a completed application form, applicable fees, the preliminary plat and three (3) completed sets of drawings. The preliminary plat and plans shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger.

- a. Major plats shall be placed on a sheet that is a minimum of twenty four inches by thirty six inches (24" x 36") in paper size. The plat will be clearly legible using a medium that is of archivable quality or mylar and that is easily reproducible.
- b. A vicinity map shall be placed in the upper right hand corner of the sheet. The vicinity map shall show the property to be subdivided and relate it to a sufficient number of streets with their names and other landmarks to enable recognition of its location. The vicinity map shall be oriented in the same direction as the lots being subdivided, and shall be to scale, but does not need to be drawn to a particular scale. Existing subdivisions adjacent to the property to be subdivided shall be shown with their name and street pattern.
- c. The title block shall be placed in a conspicuous location on the sheet and shall contain the following information:
  - i. The name of the proposed subdivision which shall not duplicate or closely approximate (phonetically or in spelling) the name of any other subdivision within the City of Marion or Crittenden County unless the proposed subdivision is an extension of an existing subdivision;
  - ii. The name and address of the owner of the land to be subdivided, the subdivider if other than the owner;
  - iii. The name, address and number of the registered land surveyor or registered engineer;
  - iv. A legend containing a graphic and written scale, date of plat preparation, and acreage of land to be subdivided.
  - v. The preliminary plat shall be labeled **PRELIMINARY PLAT, NOT FOR RECORDING** in large letters immediately above the name of the subdivision.
  - vi. The complete legal source of title for the property comprising the subdivision, which shall include the names of the current owners, deed book and page number for the deed for the real property and date of the deed.

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### 6.3.2 SITE DATA

The following site data shall be shown on the plat:

- A. Boundary lines of the area to be subdivided and their bearings and distances. The total acreage of the land to be subdivided. A north arrow shall be shown.
- B. The location of all existing structures, railroad and street rights-of-way, political boundaries, and streams on and within fifty (50) of the proposed subdivision.
- C. The names of all subdivisions and property owners abutting the boundaries of the proposed subdivision.
- D. The location of existing utility lines and easements located in and within fifty (50) feet of the proposed subdivision. The location and size of existing public water line to serve the proposed subdivision and fire hydrants. The location and size of sanitary sewer line to serve the proposed subdivision. The location, size and pressure of any pipe line for gas or petroleum products. The location, voltage, and capacity of any electrical distribution line and transformer station to serve the proposed subdivision.
- E. Contours referenced to the United States Geological Survey (USGS) data plotted at an interval of not greater than five (5) feet vertical or a lesser interval if deemed necessary by the Planning Commission. U. S. Geological Survey 7 1/2 Minute Quadrangle Sheets may be used as a base to arrive at five (5) feet contours, unless substantial alterations have been made to the contour within the area of the subdivision.
- F. Existing drainage ditches, water courses, ponds and poorly drained areas. The 100-year plain area will be shown and labeled as such.
- G. The name, location, pavement width and rights-of-way of all existing improved streets or alleys in or within fifty (50) feet of the proposed subdivision. Recorded but unimproved streets shall be indicated with dashed lines.
- H. Minimum building setback lines for each lot.

### 6.3.3 PROPOSED DESIGN AND IMPROVEMENT STANDARDS

The following design and improvement standards shall be adhered to on construction plans:

- A. All lots shall be consecutively numbered and shall indicate the dimensions, angles and bearings, and area in square feet for each lot.
- B. The location, width and names of all proposed streets shall be shown. A profile of each street showing the existing grade of the land and proposed grade of finished street center line and sidewalks and curbs when applicable.
- C. A typical street cross-section for each street within the subdivision. The detail shall show the width and depth of the improved roadways, sidewalks and curbs with specification for the materials for the construction of the street.
- D. The location of all existing and proposed monuments shall be shown.
- E. Plans and profiles of proposed sanitary sewers, with grades and pipe sizes, connecting points with existing sanitary sewer and invert elevations indicated.
- F. A plan of the proposed water distribution system, showing pipe sizes, the location of valves, and fire hydrants.
- G. Construction details and specifications for all required public facility will be included.
- H. Erosion or sedimentation control plan if the subdivision contains more than five (5) acres.

## **MARION SUBDIVISION REGULATIONS**

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- I. The location of existing stream, wetlands, and drainage easements on or within fifty (50) feet of the subdivision.
- J. A drainage plan showing the location of proposed drainage system to serve the subdivision and how the drainage system proposed, will connect with the existing upstream and downstream drainage system. This plan shall also locate all stormwater facilities such as detention or retention basins, storm sewers pipes, and outlets . Construction details and specifications, with cross sections, for all proposed improvements. If no storm sewer system is proposed, a profile of the existing and proposed drainage system showing the existing grade of the stream or wetland, what improvements are to be made to the existing stream or wetland, proposed grade of the on site drainage system and how the proposed drainage facilities will transition into the existing stream system either on site or off site.
- K. The name in which legal title is held, acreage, location and use of any parcels to be conveyed or held for public use, or for joint use of property owners, and an explanation of the provisions of reservation and arrangement for maintenance shall be shown on the plat or described by separate document filed with the subdivision application. A letter from the public agency or government who is proposed to assure maintenance of the property and facility shall be filed as a part of the plans. The letter should state that they have reviewed the proposed dedication and their willingness to accept dedication and maintenance of the proposed public use area.

### **6.3.4 ADDITIONAL DATA REQUIRED**

One (1) copy of any deed restrictions or covenants proposed by the subdivider.

### **6.3.5 CERTIFICATIONS**

The owner's certification shall be shown and signed on the preliminary plat. A land surveyor certification containing a statement as to the method used to perform the survey; the unadjusted mathematical error-of-closure ration of the survey traverse; a statement as to whether or not the directions and distances as shown on the plat have been adjusted for closure; and a statement as to the basis of the reference meridian used to determine the directions of survey lines; and the signature and registration number of the land surveyor responsible for the survey.

## **6.4 FINAL PLAT**

### **6.4.1 CONTENT AND FORMAT**

The final plat shall require the same information as required for that of the approved preliminary plat, with the following exceptions:

- A. The accurate survey dimensions, bearing and angles. All dimensions, angles, bearings and similar data on the plat shall be tied to primary control points as approved by the City Engineer. The final plat and plans shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger.
- B. The final plat shall be labeled RECORD PLAT in large letters immediately above the name of the subdivision.
- C. The plat shall contain all suggested changes to street, water, sanitary and storm sewers, drainage, electric, or gas line easements.



## **MARION SUBDIVISION REGULATIONS**

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- D. The plat shall indicate the accurate location of all permanent reference monuments. Every corner marker shall be marked with a material detectable by a metal detector.
- E. The plat shall indicate the corrections or conditions approved with the preliminary plat by the Planning Commission.
- F. Vertical contours of lots will not be required.

### **6.4.2 HEALTH DEPARTMENT EVALUATION**

#### **A. IF LOTS ARE TO BE SERVED BY MARION SEWER SYSTEM**

As a part of the application for subdivision approval with the Planning Commission, the Developer shall file evidence that the Pennyrile District Health Department has given tentative approval of the subdivision plat if all lots are to be connected to the Marion Sewer System.

#### **B. IF ONE OR MORE LOTS ARE TO HAVE ON-SITE SEWER SYSTEM**

As a part of the application for subdivision approval with the Planning Commission, the Developer shall file evidence that the Pennyrile District Health Department has given tentative approval of the subdivision plat if the subdivision contains one or more lots that will not be served by Marion Sewer System. The Pennyrile District Health Department environmentalist shall sign the final plat if the plat contains one or more lots that will be served by an on-site sewage disposal system.

### **6.4.3 ADDITIONAL DATA REQUIRED**

Two (2) copies of any plat restrictions or covenants proposed by the developer shall be submitted as part of the final plat.

### **6.4.4 CERTIFICATIONS**

The following certifications along with required signatures as set forth in Appendix A:

- A. Owner's certification;
- B. Dedication of rights-of-way and easements;
- C. Registered land surveyor's certification;
- D. Registered engineer's certification;
- E. Certification by City Engineer of approval of infrastructure;
- F. Certificate of utilities/adequacy of easements;
- G. Planning Commission certification;
- H. Pennyrile District Health Department certification, if one or more lots is to have on-site sewer system.
- I. Ample space must be left on the plat for County Court Clerk's recording stamp.

# MARION SUBDIVISION REGULATIONS

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## ARTICLE 7 DESIGN AND IMPROVEMENT STANDARDS

### 7.1 PURPOSE

The purpose of article 7 is to establish the basic and minimum design and improvement standards which will be required for lots, streets, utilities, and other physical elements in the subdivision. Standards exceeding these minimum requirements may be provided by the subdivider, or required by the Planning Commission. The public facility specifications which are included herein as appendix B should generally be consulted for detailed standards, procedures and requirements, and are specifically cited herein where appropriate.

### 7.2 GENERAL PROVISIONS

#### 7.2.1 ADEQUACY OF PUBIC FACILITIES

No preliminary plat shall be approved unless the Planning Commission determines that there will be adequate public facilities to support and service the area of the proposed subdivision. The subdivider shall, at the request of the Planning Commission, submit sufficient information and data on the proposed subdivision to demonstrate the expected impact on, and use of public facilities by possible uses of the proposed subdivision. Public facilities and services to be examined for adequacy will include streets, sewage, and water service, and fire protection.

#### 7.2.2 FLOOD HAZARDS

Land proposed for subdivision which is subject to flooding shall be set aside on the plat by drainage easement and shall not be used except in conformance with the Marion Zoning Ordinance, after they have been adopted. To insure that lots will be located only where they will provide flood-free building sites, the Planning Commission shall require the subdivider to provide flood elevation information for any subdivisions which include official flood hazard areas or floodplain zones. Lots which are partially affected by flooding shall have the area subject to flooding clearly delineated, the remaining portion must meet minimum lot size for the zoning district, after they have been adopted and in which it is located, and the elevation for the first floor intended for living area or commerce shall be shown. Such elevation will be at least one and one half feet above the 100 year flood elevation.

#### 7.2.3 IMPROVEMENTS

All improvements shall comply with the best engineering standards, and all construction on, in and upon streets which are proposed for dedication, and all work in connection with parks, playgrounds, public buildings sites and other areas which are proposed for dedication for public use, shall be based on plans approved by the Planning Commission, and construction thereon shall be subject to the inspection and approval of the City Engineer.

### 7.3 LOTS

7.3.1 Unless the Marion Zoning Regulations, after they have been adopted, specifically permits less frontage, all lots shall abut for at least forty (40) feet upon a public street. A lot fronting on

## MARION SUBDIVISION REGULATIONS

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the curved portion of a cul-de-sac may be reduced to a minimum of thirty (30) feet provided the lot is forty (40) feet wide at the front yard setback line. In addition to these minimum lot width requirements, each lot shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. The Planning Commission may require lots to have additional minimum frontage in order to achieve a safe and convenient vehicular access from the lot onto the street.

- 7.3.2 Lots shall meet the site development requirements of the Marion Zoning Regulations, after they have been adopted. Lot dimensions and area shall comply with the requirements of the zoning district, when they are established, in which they are located. Where lots are more than double the minimum required area for the zoning district, the Planning Commission may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning regulations, after they have been adopted or with these regulations. Lots configured as flag lots shall not be approved by the Planning Commission, except as the lot would comply with all provisions of section 7.3.9.
- 7.3.3 All lots shall be connected to public sewer system. It is recognized that on rare occasions, access to public sewers system may not be possible. In the event the Planning Commission finds that public sanitary sewers connection is not feasible, the lot so affected, may be used only for a single family residence and shall contain a minimum of twenty one thousand seven hundred eighty (21,780) square feet [one half (1/2) acre] in lot area. On lots which contain excessive slopes (30 degree or greater) or drainage ways, the Planning Commission shall require the developer to enlarge each lot to a size sufficient to provide the minimum lot area free of these conditions. In determining the minimum lot area for lots with on-site sewer disposal system, any part of the lot containing slopes greater than 30 degree, or areas within a drainage shall not be included in the area calculations.
- 7.3.4 Lots subject to flooding or contain other environmental sensitive lands such that it would cause a health or safety hazard to potential users, shall be disapproved by the Planning Commission. It is recognized that on some occasions, that only a part of a lot will be subject to flooding or contain other environmental sensitive lands. For lots which are partially affected by flooding or contains other environmental sensitive lands, the Planning Commission may approve lots for development when the buildable area outside the floor prone or environmentally sensitive land area is at least sixty percent (60%) of the required total lot area as prescribed by these subdivision regulations.
- 7.3.5 Dimensions of corner lots shall be sized large enough to allow for erection of buildings, observing the minimum front yard setback from both streets.
- 7.3.6 Lot depth and width of properties reserved or configured for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning regulations, after they have been adopted.
- 7.3.7 The lot line common to the street rights-of-way shall be the front lot line. All lots shall face the front line.
- 7.3.8 Lot shall be configured so as to provide positive drainage coordinated with the overall storm

## **MARION SUBDIVISION REGULATIONS**

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drainage system for the area. Drainage shall be designed to avoid concentration of stormwater drainage from each lot to adjacent lots.

### **7.3.9 Minimum building setback lines**

- A. The minimum front yard setback shall be thirty (30) feet from the front property line if the property fronts on a local street. The minimum front yard setback on all other streets shall be one half of the rights-of-way or thirty (30) feet which ever is greater.
- B. The minimum side yard setback from the side property line shall be ten (10) feet unless the side yard has frontage on public road in which case the setback will be same as front yard setback requirement.
- C. The minimum rear yard setback from rear property line shall be twenty five (25) feet unless the rear property line has frontage on public road in which case the setback will be same as front yard setback requirement.
- D. Building setback lines, as established by this section, may be greater than these minimums; however, for purposes of establishing minimum lot width of a lot, this distance shall not exceed 100 feet.

## **7.4 MONUMENTS**

The subdivider shall install permanent reference monuments in the subdivision as required in these regulations as following:

### **7.4.1 MONUMENTS TYPES**

Monumentation shall be as established in Kentucky Revised Statutes Chapter 322.290 (2) (f) and in Kentucky Administrative Regulations 201 KAR 18:150, Kentucky Standards of Practice for Land Surveying.

### **7.4.2 MONUMENT PLACEMENT**

Monuments shall be placed as established in Kentucky Revised Statutes Chapter 322.290 (2) (f) and in Kentucky Administrative Regulations 201 KAR 18:150, Kentucky Standards of Practice for Land Surveying.

## **7.5 BLOCKS**

- 7.5.1 In general, intersecting streets which determine block length, shall be provided at such intervals as necessary to meet existing street patterns, topography and requirements for safe and convenient vehicular and pedestrian circulation.
- 7.5.2 Blocks used for residential purposes, generally shall not exceed one thousand three hundred twenty (1,320) feet in length, nor be less than four hundred (400) feet in length. See Illustration 8 at the back of the subdivision regulations.
- 7.5.3 Residential blocks shall have sufficient width to provide two (2) tiers of lots of appropriate

## **MARION SUBDIVISION REGULATIONS**

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depth except where reverse frontage lots are used to alleviate conflicting traffic or land uses, when blocks are adjacent to railroads or waterways.

- 7.5.4 Blocks used for non-residential purposes shall be of such length, width and design as the Planning Commission finds necessary for the prospective use and shall include adequate provision of off-street parking, loading and unloading, buffer areas, pedestrian movement and control of vehicular access to adjacent streets.

### **7.6 COMMUNITY PUBLIC FACILITIES**

The subdivider shall take into consideration the adequacy of existing or proposed public facilities which will be needed to properly service the existing subdivision. The subdivider shall also take into consideration the need for orderly future growth beyond the proposed subdivision. The Planning Commission may require over sizing of public facilities for the subdivision.

### **7.7 TELEPHONE, WATER, SEWER, ELECTRIC, GAS AND CABLE UTILITIES EASEMENTS**

The following shall be the minimum standards for utilities such as telephone, water, sewer, electric, gas, or other utilities:

- 7.7.1 Utility easements ten (10) feet in width as a minimum will be required between, at the rear and side lot lines. Easements of a greater width may be required by the Planning Commission at the request of the utility or if necessary to provide proper drainage within or through a subdivision.
- 7.7.2 Utility easements shall be configured so that a proper continuity may be had for such utilities from block to block. The approval of the preliminary and final plats shall be subject to the approval of the design of the utility easement by the City Engineer, and appropriate utility company.
- 7.7.3 Every subdivision shall be provided with a proper telephone, electric, and gas (where appropriate) supply system. Provision shall also be made for street lights.
- 7.7.4 Utility easements shall connect with existing easements on adjoining properties.

### **7.8 WATER SUPPLY SYSTEM**

- 7.8.1 Water system improvements proposed shall meet all the requirements of Marion City Ordinance No. 96-03 as it may be amended from time to time and the specifications of the Public Works Department concerning water main distribution lines, and distribution lines.

### **7.9 SEWER COLLECTION SYSTEM**

Every subdivision shall be provided with a public sewer collection system, including service stubs to each lot line, and a practical and satisfactory connection to existing sanitary sewers or complete sewage treatment plant. The sewer system improvements proposed in conjunction with the subdivision shall meet all the requirements of Marion City Ordinance No. 96-03 as it may be amended from time to time

## **MARION SUBDIVISION REGULATIONS**

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and the specifications of the Public Works Department concerning sewer collector lines and sewer lateral collector lines.

# MARION SUBDIVISION REGULATIONS

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## 7.10 STREETS

### 7.10.1 GENERAL REQUIREMENTS

No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing public, federal, state, county or city, street or a street shown upon a plat approved by the Planning Commission and recorded in the Crittenden County Clerk's Office, or a street shown on a plat that was recorded in the Crittenden County Clerk's Office prior to the adoption of these regulations. All streets approved by the Planning Commission shall be public streets. Private streets are not permitted.

### 7.10.2 ALIGNMENT AND EXTENSIONS

- A. The location of all streets in a proposed subdivision shall conform in general alignment to the Major Street Plan as contained in the *Marion Comprehensive Plan*.
- B. The proposed street layout shall provide for the continuation or projection of existing streets to the property line of surrounding undeveloped properties. Street access to adjoining property shall be to the boundary of such property.
- C. Streets shall be designed with respect to topography to provide proper drainage and grades.

### 7.10.3 STREET NAMES AND SIGNS

- A. Proposed streets in alignment with existing streets shall bear the name of the existing street. Proposed streets not in alignment shall not bear the name of any existing street. Proposed street names shall not duplicate or closely approximate the names of other existing or proposed streets of Marion or Crittenden County. See Illustration 8 at the back of the subdivision regulations.
- B. The subdivider shall provide and install at all intersections street name signs which have been approved by the City of Marion. Other public safety signs shall be installed as approved on the preliminary plat. All signs shall conform to the standards of Manual on Uniform Traffic Control Devices, latest edition published by U.S. Department of Transportation, Federal Highway Administration.

### 7.10.4 DEDICATION OF RIGHTS-OF-WAY - NEW STREET

- A. The minimum dedication of rights-of-way from lot line to lot line for new streets shall be as shown in Table 1 and Illustration 7 at the back of the subdivision regulations. To determine the appropriate street classification for the new street, consult the Map 7.01 Transportation System, found in the *Marion Comprehensive Plan*. If the new street is not shown thereon the classification shall be determined by the Planning Commission. The minimum pavement width for new streets shall meet the standards in Table 1.
- B. All streets classified as arterial in the *Marion Comprehensive Plan*, may be considered limited access in the meaning of KRS Chapter 177 and, as such, points of access to arterial streets shall be approved by the Planning Commission.
- C. Dedication of one-half (1/2) of a rights-of-way for proposed streets along the boundary line of the property proposed for subdivision shall be prohibited.
- D. The entire minimum rights-of-way shall be dedicated when a subdivision is located on

## MARION SUBDIVISION REGULATIONS

both sides of a street within the area of the proposed subdivision.

**Table 1**  
**Minimum Dedicated Rights-of-way, Number of Lanes**  
**and Pavement width for New Streets**  
 (expressed in feet unless otherwise indicated)

<u>STREET TYPE</u>	<u>RIGHTS-OF-WAY</u>	Minimum Number of lanes / <u>width of lane</u>	<u>PAVEMENT WIDTH</u>	
			<u>With parking on one side of street*</u>	<u>Without on street parking</u>
Alley	20	2/9	NA	18
Local**	40	2/9	26	18

NA - On-street parking is not permitted.

\* Parking lane shall be a minimum of 8 feet. For streets with parking on both sides of street add 8 feet.

\*\* For local streets which have a permanent dead end, a cul-de-sac shall be provided at the end of the street. The turn around rights-of-way shall be a minimum of 100 feet with pavement diameter of 80 feet.

### 7.10.5 DEDICATION OF RIGHTS-OF-WAY - EXISTING STREETS

- A. Owners of subdivisions platted along an existing street shall dedicate additional rights-of-way along the entire length of all street frontage in order to meet the minimum width requirements as stated in Table 1.
- a. The entire minimum rights-of-way shall be dedicated where the subdivision is on both sides of a street.
  - b. One half (1/2) of the required minimum rights-of-way, measured from the center line of the existing street, shall be dedicated where the subdivision is located on only one side of the existing street and where it is not otherwise established.

**Table 2**  
**Street Design Standards for**  
**New Streets**  
 (expressed in feet unless otherwise indicated)

<u>STREET TYPE</u>	<u>Grade Min.</u>	<u>Minimum sight distance</u>	<u>Minimum intersection spacing</u>	Minimum Radius of horizontal curves, figures <u>to center line</u>
Alley	0.3%	*	100	200
Local	0.8%	*	125	200**

\* See Illustration 5 at the back of the subdivision regulations.

\*\* In instances where a turn of 90% or near 90%, is planned, a lesser radius is acceptable; however, the rights-of-way and pavement dimensions shall be required on the outside edge of the street.



## **MARION SUBDIVISION REGULATIONS**

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### **7.10.6 STREET INTERSECTIONS AND STREET ACCESS RELATIVE TO STREET INTERSECTION**

The following guidelines shall be the basis for the determination of proper spacing for street intersections and driveways. The Planning Commission will apply these guidelines to create safe and efficient traffic movement.

#### **A. GENERAL PROVISIONS**

- a. When a lot abuts an intersection of two or more streets, access shall be permitted from the lot onto the street with the lower designated classification. If both streets are of the same designated classification, access shall be permitted from the lot onto the secondary street. When there is a dispute concerning which street is the primary street and which is the secondary street, the Planning Commission shall make the final determination.
- b. Alleys shall not be deemed as a street for the purpose of providing primary access to any lot.
- c. When a watercourse separates the area suitable for building on a lot from the street, provision shall be made for the installation of a culvert or other structure of a design that takes into account adequate provision for the 100-year storm event and is approved by City Engineer.
- d. Intersections involving more than four (4) basic street approaches shall be prohibited unless a traffic circle is provided.

#### **B. VEHICLE ACCESS FROM ARTERIAL STREET**

Points of vehicle access from a driveway onto an arterial street shall be a distance of at least 100 feet from any street intersection and shall be otherwise approved by the Planning Commission. The Planning Commission may limit the number of driveway with access to the arterial street by requiring joint entrances.

#### **C. VEHICLE ACCESS FROM COLLECTOR STREET**

Points of vehicle access from collector street to a driveway shall be a distance of at least fifty (50) feet from any intersection.

#### **D. VEHICLE ACCESS FROM LOCAL STREET**

Points of vehicle access from local street shall be a distance of at least fifty (50) feet from any intersection.

### **7.10.7 SIGHT VISIBILITY TRIANGLE**

Notwithstanding any other provision of the subdivision regulations, a clear sight visibility area shall be provided at each street intersection or driveway intersection, in accordance with the sight visibility triangle requirements as shown in the site visibility triangle illustration and table found in Illustration 10, at the back of the subdivision regulations.

## **MARION SUBDIVISION REGULATIONS**

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### **7.10.8 STREET JOGS**

Street jogs with center line offsets of less than one hundred twenty five (125) feet shall be prohibited. See Illustration 11 at the back of the subdivision regulations.

### **7.10.9 MINIMUM STREET RADIUS**

Streets shall intersect as nearly as practicable at right angles. The minimum radius at property lines at all intersections shall be at least twenty (20) feet for all streets. When the smallest angle of the intersection is less than sixty (60) degrees the above minimum radii shall be increased.

### **7.10.10 ACCELERATION AND DECELERATION LANES**

The Planning Commission may require acceleration and deceleration lanes on new or existing streets, if the traffic volume or safety warrant such improvements. The developer will be responsible for the construction of these improvements in accordance with KYDOT or City of Marion standards. In the event of two or more standards, then the Planning Commission may select the standard which shall apply.

### **7.10.12 RESERVE STRIPS (See Illustration 12 at the back of the subdivision regulations.)**

- A. No reserve strips for future streets shall be permitted.
- B. No reserve strip between public street right-of-way and the adjoining property shall be permitted.
- C. No reserve strip between property line within the subdivision and the adjoining property shall be permitted.

### **7.10.13 CONSTRUCTION STANDARDS AND SPECIFICATIONS**

Construction standards and specifications for streets shall be in accordance with the City Council Resolution dated June 27, 1988.

### **7.10.14 VEHICLE ACCESS FOR RESIDENTIAL LAND USES**

- A. All single and two family residential lots shall be allowed one vehicle accesses point to the adjoining street for each one hundred (100) feet or fraction thereof, of lot frontage. A lot with less than one hundred (100) feet of frontage and contains a two family residential structure may have one additional vehicle access point, if approved by the Planning Commission.
- B. Multi-family residential lots shall be allowed one vehicle accesses point to the adjoining street for each one hundred (100) feet or fraction thereof, of lot frontage. The location of the access points shall be as approved on the development plan by the Planning Commission.
- C. The Planning Commission may require any two or more lots to have joint vehicle access points to the adjoining street when traffic volumes or traffic safety issues warrant.

## **MARION SUBDIVISION REGULATIONS**

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### **7.10.15 VEHICLE ACCESS FOR LOTS CONTAINING RESIDENTIAL AND NON-RESIDENTIAL LAND USES**

When non-residential land uses are combined with residential land uses and the lot front a local street the number of vehicle accesses to the adjoining street shall be as established in section 7.10.6. Section 7.10.C shall not apply to lots of mixed residential and non-residential uses.

### **7.10.16 PLANNING FOR CONFLICTING TRAFFIC**

Whenever the proposed subdivision contains, or is adjacent to a railroad rights-of-way, limited access highway rights-of-way, or conflicting changes in land uses, the Planning Commission shall require reverse frontage lots, lots with rear service alleys, lots with additional depth, or other such treatment as may be necessary for protection of abutting properties and to afford separation of conflicting types of traffic or land use.

### **7.10.17 DEAD-END STREET**

- A. Dead-end streets, designed to be so permanently, shall be no longer than one thousand two hundred thirty (1230) feet and shall be provided at the closed end with a permanent cul-de-sac having a radius at the outside of the pavement of at least eighty (80) feet, and a radius at the outside of the rights-of-way of at least one hundred (100) feet. A dead-end street which does not extend beyond the depth of the shortest lot line of any adjoining corner lot shall not be required to have a permanent cul-de-sac at the end of the street. Lots shall not be permitted to be developed from the end of the dead-end street without a permanent cul-de-sac. See Illustration 8 and 13 at the back of the subdivision regulations.
- B. Temporary turn around shall be required at the end of "dead-end" streets, if the street serves more than one (1) lot on either side. See Figure 6, for alternate designs of temporary turn-around. Alternate designs will not be acceptable if serving more than ten (10) lots.

### **7.10.18 CURBS AND GUTTERS**

Curbs and gutters are permitted in a major subdivision which creates a new street. Curbs and gutters may be required by the Planning Commission when it deems necessary to complete the existing storm drainage system or for safety considerations.

## **7.11 STREET LIGHTS**

All streets, sidewalks, and walkways shall be properly lighted. Such lighting shall be installed at the direction of the LG&E and constructed in accordance with their standards and specifications. Street lights shall be installed at the expense of the developer. Street lights should be located within the street rights-of-way. Easements necessary for provision of street lighting, shall be provided when it is not feasible to locate street lights within the street rights-of-way and may be labelled as "street light easement". If it is the desire of the subdivider to install street lighting other than the standard used by the LG&E, the developer must first secure the approval of the LG&E and the Marion City Council.

## **MARION SUBDIVISION REGULATIONS**

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### **7.12 DRAINAGE SYSTEM**

- 7.12.1 The developer of a subdivision is responsible for designing and installing a drainage system adequate to insure proper disposal of all storm water. In no case shall the developer build or construct improvements within the subdivision that will enlarge the natural flow of water on any adjacent property or on any portion of the property being constructed or developed. The drainage system may include open ditches, pipes, culverts, inter sectional drains, drop inlets, bridges or other drainage facilities as are needed for proper control and disposal of storm water. Driveway entrance pipes may be concrete, corrugated metal, bituminous coated metal and may be elliptical or round in configuration. The driveway entrance pipe must be at least twelve (12) inches in diameter or its equivalent size in the case of elliptical pipe or larger as needed to accommodate the drainage system. Curb and gutters may be substituted for open ditching systems, provided the drainage plan has been designed with these features, there are appropriate tie in with the existing drainage system and the drainage plan has been approved by the Planning Commission.
- 7.12.2 Drainage facilities shall accommodate potential runoff from the entire upstream drainage area and shall be designated to prevent increases in downstream flooding.
- 7.12.3 Drainage easements will be required if necessary to provide proper drainage within or through a subdivision. Drainage easements shall connect with existing easements on adjoining properties and with both upstream and downstream facilities.

### **7.13 EXTENSION POLICIES FOR PUBLIC IMPROVEMENTS**

All public facilities and required easements shall be extended through the parcel on which new development is proposed. Streets, water distribution system, sewer collection system, and drainage facilities, electric lines, street light systems, cable and telecommunications lines shall be constructed through new development to promote the logical extension of public infrastructure. The Planning Commission will require the subdivider to extend off site improvements to reach the subdivision or oversize required public facilities to serve anticipated future development as a condition of plat approval.

The City of Marion, as a condition of extending utility services outside the corporate limits, will require the subdivision be annexed to the City of Marion.

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**ARTICLE 8  
ADMINISTRATION**

**8.1 ADMINISTRATIVE OFFICIAL**

The Planning Commission shall designate, with the concurrence of the Marion City Council, an Administrative Official to be charged with and provided the authority to enforce these regulations.

**8.2 LIABILITIES**

Any member of the Planning Commission or any employee thereof, shall not render himself liable personally in the discharge of his duties. Any legal suit brought against any member of the Planning Commission or employee because of such act performed by him in the enforcement of any provision of this regulation shall be defended by legal representation of the Planning Commission until the final termination of the proceedings.

**ARTICLE 9  
EFFECTIVE DATE**

These subdivision regulations are hereby declared to be a measure necessary in the interest and for the promotion of safety, convenience and public welfare. This subdivision regulation shall be in full force and effect from and after its passage and approval as provided by law.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
CHAIRMAN,  
MARION PLANNING COMMISSION

ATTEST:

\_\_\_\_\_  
Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
MAYOR,  
CITY OF MARION, KENTUCKY

ATTEST:

\_\_\_\_\_  
CITY CLERK

**MARION SUBDIVISION REGULATIONS**

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**APPENDIX A**  
**FORMAT OF CERTIFICATES REQUIRED**  
**FOR SUBDIVISION PLATS**

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**OWNER'S CERTIFICATION**

I (we) the undersigned, do hereby certify that I am (we are) the owner (s) of record of the property shown and described hereon, which is recorded in Deed Book \_\_\_\_\_, page \_\_\_\_\_, in the Office of the Crittenden County Clerk. In consideration of the approval of this subdivision plat, I (we) do hereby adopt this plan of lots with my (our) free consent for this property; do establish the minimum building line; do hereby dedicate to all streets, rights-of-way and any other spaces so indicated to public use, except those specifically indicated as private; that I or my successors in title will maintain all such areas until the offer of dedication is accepted by the appropriate authority; and do establish and reserve the easements indicated for public utility and drainage purposes.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner(s)

**CERTIFICATION OF SURVEY AND ACCURACY**

I hereby certify that this plat was prepared by me or under my direction from an actual survey made by or under my supervision; that the error of closure as calculated by latitudes and departures is 1: \_\_\_\_\_; all monuments indicated hereon actually exist and their location, size and material are correctly indicated; the information shown hereon is correct, to the best of my knowledge and belief; and all requirements of Kentucky laws and regulations and the Subdivision Regulations of Marion, Kentucky have been fully met.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Land Surveyor's name, number and seal

**CERTIFICATION OF THE CITY ENGINEER'S APPROVAL OF STREETS,  
STORMWATER DRAINAGE SYSTEM, WATER DISTRIBUTION SYSTEM, FIRE  
HYDRANTS , AND PUBLIC SEWER COLLECTION SYSTEM  
PLANS AND SPECIFICATIONS**

I certify that I have reviewed and approved the plans, specifications, and calculations for the required street system, drainage system, water distribution system, fire hydrants; and public sewer collection system; and I further certify that (1) streets, drainage system, water distribution system, fire hydrants and sanitary sewer collection system have been installed in an acceptable manner and in accordance with the City of Marion specifications; or (2) that a surety has been posted with the Planning Commission in an amount sufficient to complete all required public facilities in case of default.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer  
City of Marion

**MARION SUBDIVISION REGULATIONS**

**CERTIFICATION OF APPROVAL OF ON-SITE SEWERAGE SYSTEM**

I hereby certify that the on site sewerage disposal system installed or proposed for installation, in this subdivision has received tentative approval. Tentative approval of the subdivision does not constitute approval of individual lots. Each lot within this subdivision must meet the requirements of the Kentucky on site sewerage disposal regulations prior to the instillation of on-site sewer system, and that each lot must have an individual site evaluation. I also hereby certify that I have reviewed, with the owner of the property, soil types for this parcel and have jointly determined any problem areas and soil suitability for on site sewage disposal.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Environmentalist,  
Crittenden County Health Department

**PROFESSIONAL ENGINEER'S CERTIFICATION**

I hereby certify that the public facility plans submitted with this subdivision have been prepared by me or under my supervision; and all requirements of Kentucky laws and regulations and the Subdivision Regulations of Marion, Kentucky have been fully met.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineer's name, number and seal

I certify that I have reviewed and approved the plans, specifications/calculations for the required streets and storm drainage system applicable to the development of this subdivision and; I further certify that (1) the streets and storm drainage system improvements have been installed in an acceptable manner and according to the City of Marion specifications; or (2) that a surety has been posted with the Planning Commission in an amount sufficient to complete all required improvements in case of default.

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Engineer  
City of Marion



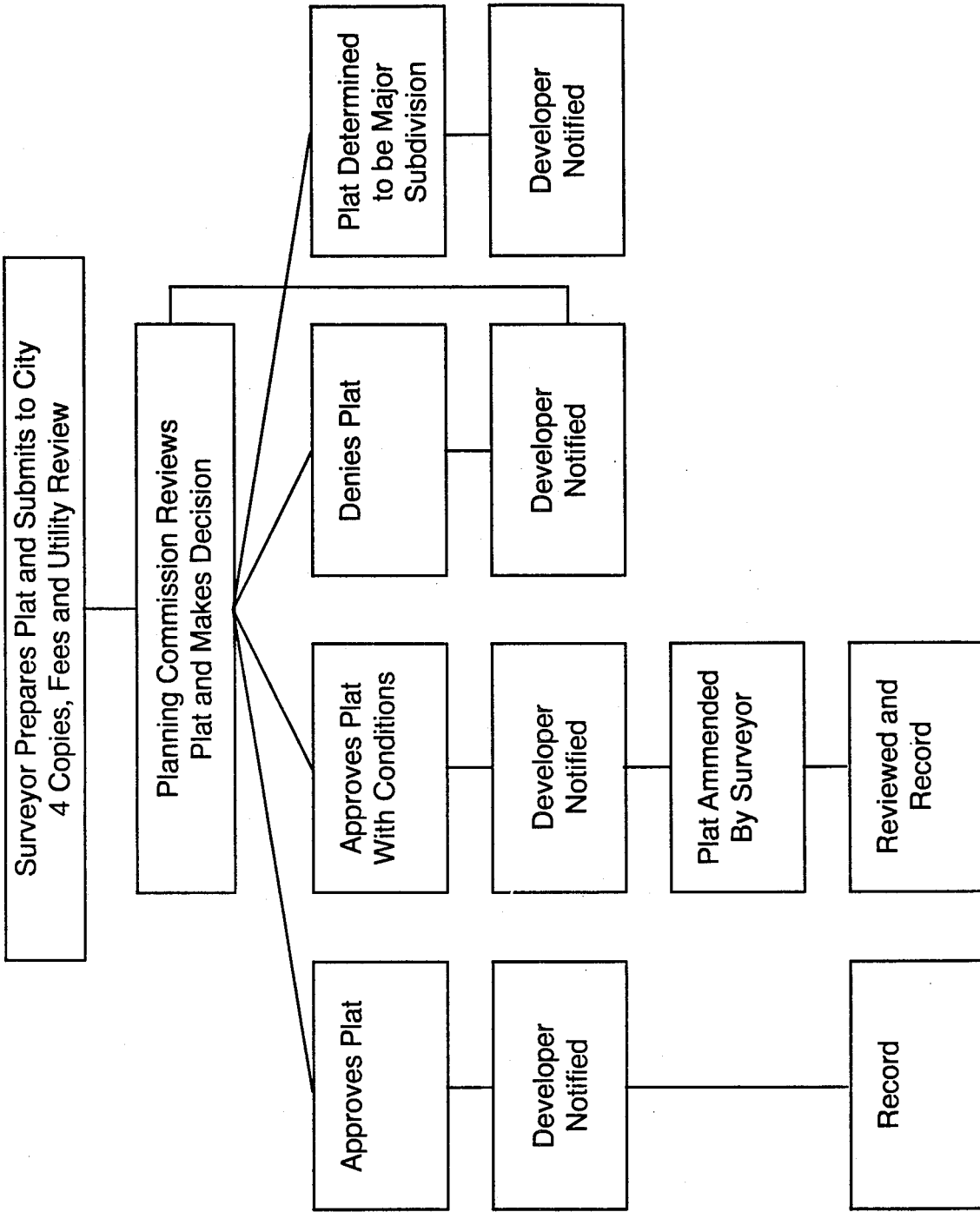
**MARION SUBDIVISION REGULATIONS**

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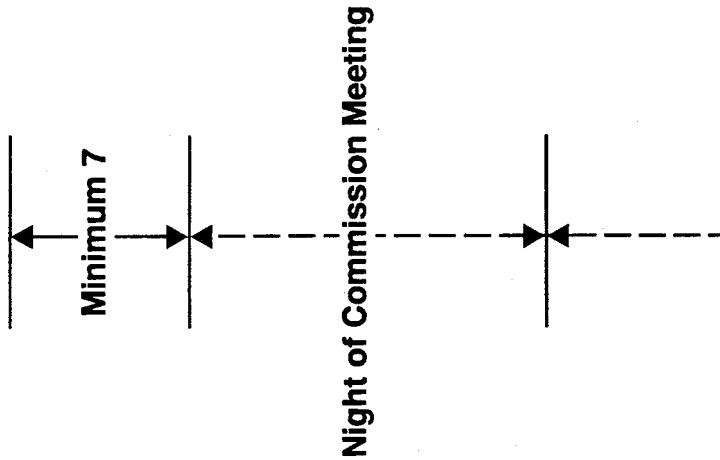
**APPENDIX B  
ILLUSTRATED GUIDE TO TERMS  
AND  
DEVELOPMENT STANDARDS  
WITHIN  
SUBDIVISION REGULATIONS**

# CHART ONE Land Subdivision Process: Minor Plat

(Section 4.2)



Time in Days



Times Varies

	Approval	Conditional Approval	Denial	Determination
Dev. Notified	NA	3*	3*	3*
Plat Ammended	NA	Varies	Varies	NA
		(Maximum of 90 Days)		
Review & Record	5	5	NA	NA

\*Working Days

6/3/99 Marion  
Planning Commission

**Time in Days (Unless Indicated)**

Minimum 7 Days

Night of Commission Meeting

3 Days\*

Up to 2 Years  
(Developer Discretion)

7 Days

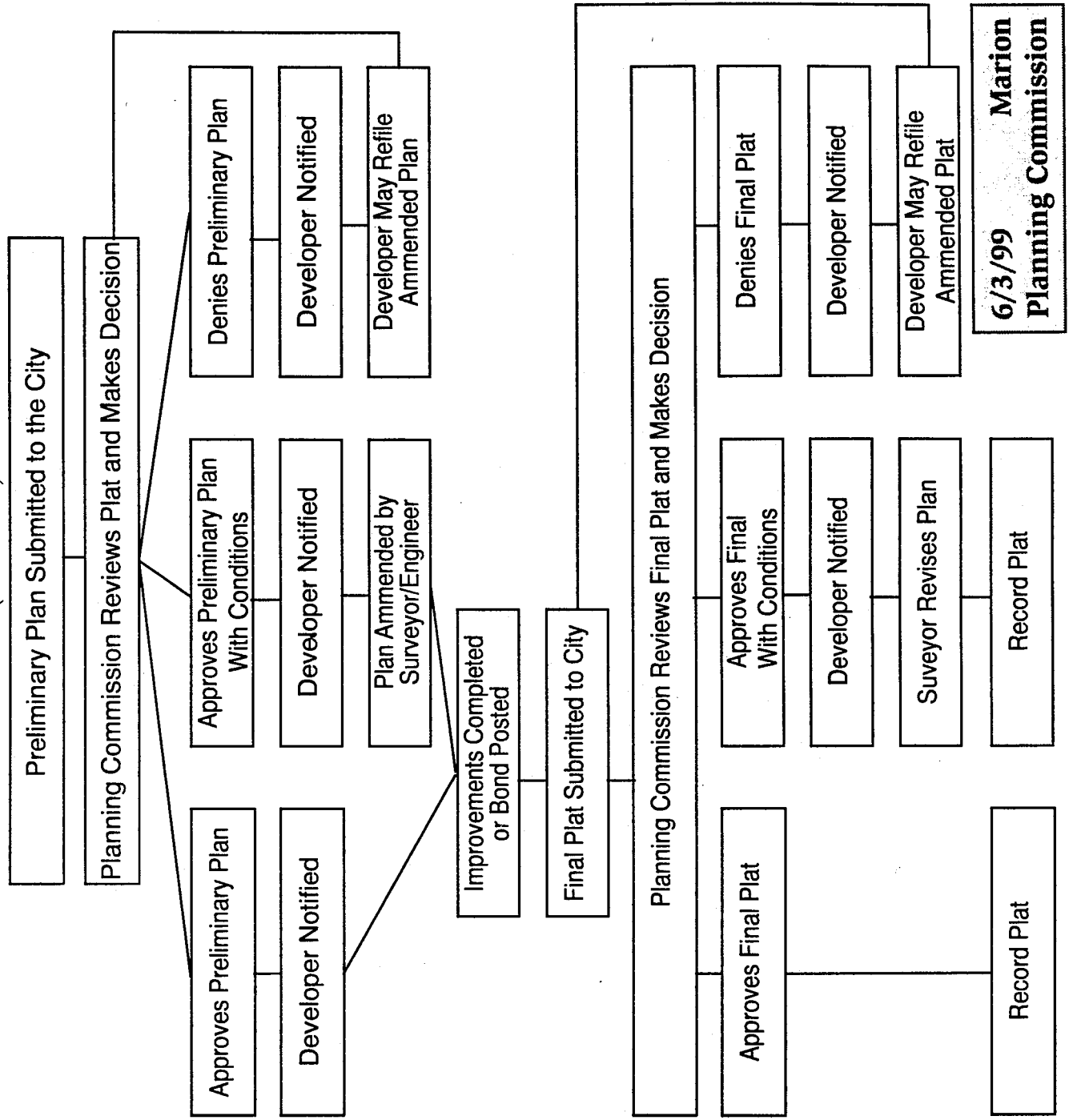
Night of Commission Meeting

**Times Varies**

	Approval	Conditional Approval	Denial	Determination
Dev. Notified	NA	3*	3*	3*
Plat Ammended	NA	Varies	Varies	NA (Maximum of 90 Days)
Review & Record	5	5	NA	NA

\*Working Days

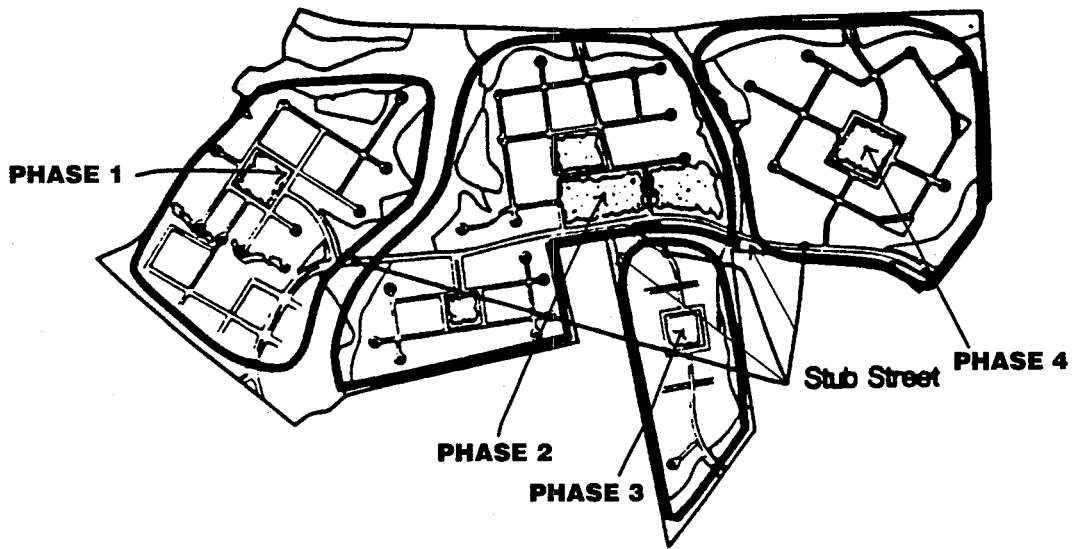
# CHART TWO Land Subdivision Process: Major Plat (Section 4.3)



# MARION SUBDIVISION REGULATIONS

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ILLUSTRATION 1  
DEVELOPMENT IN PHASES (SECTION 1.13)



MARION SUBDIVISION REGULATIONS

ILLUSTRATION 2  
(ARTICLE 2)

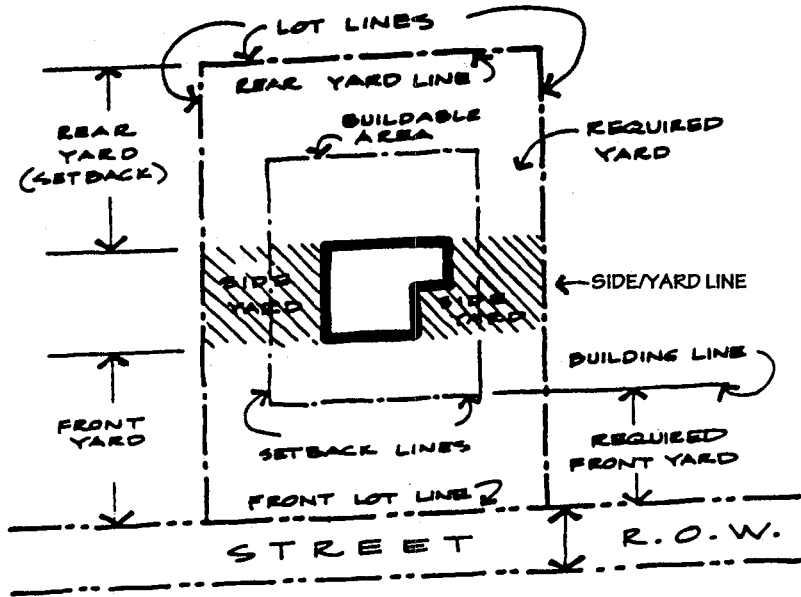
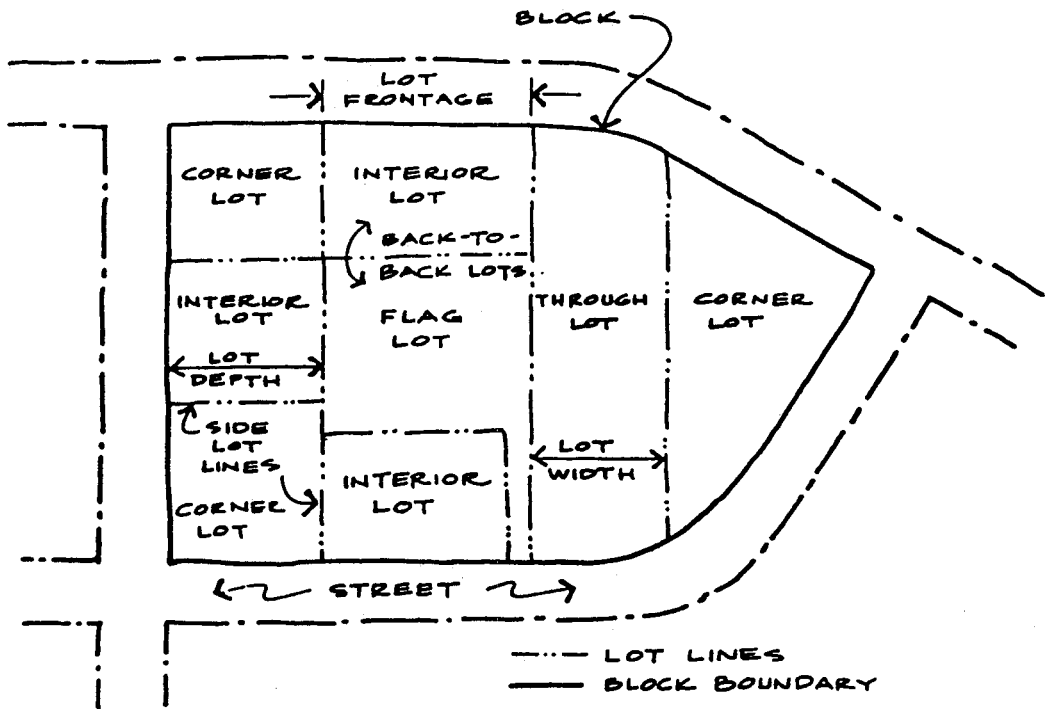
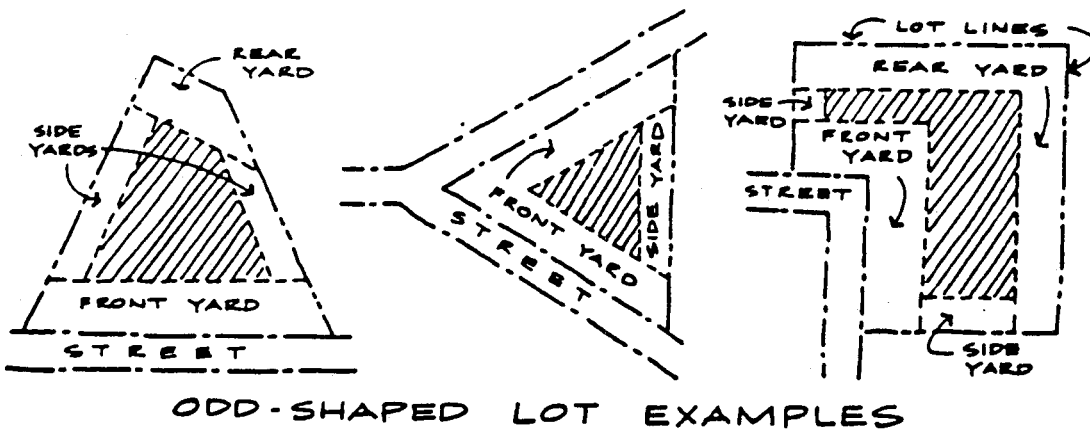
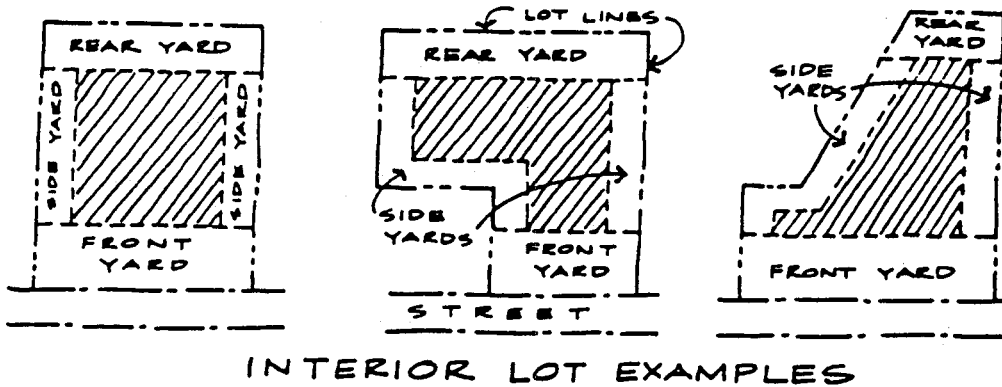
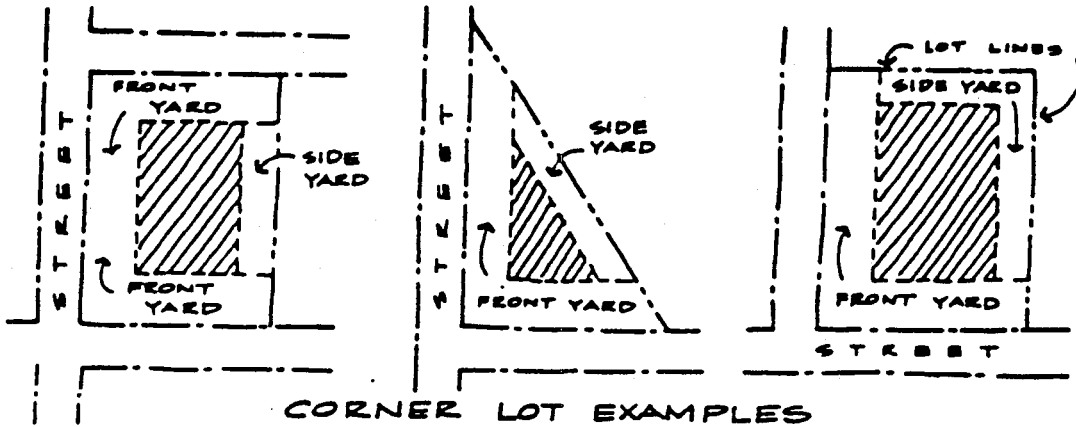


ILLUSTRATION 3  
(ARTICLE 2)



MARION SUBDIVISION REGULATIONS

ILLUSTRATION 4  
(ARTICLE 2)



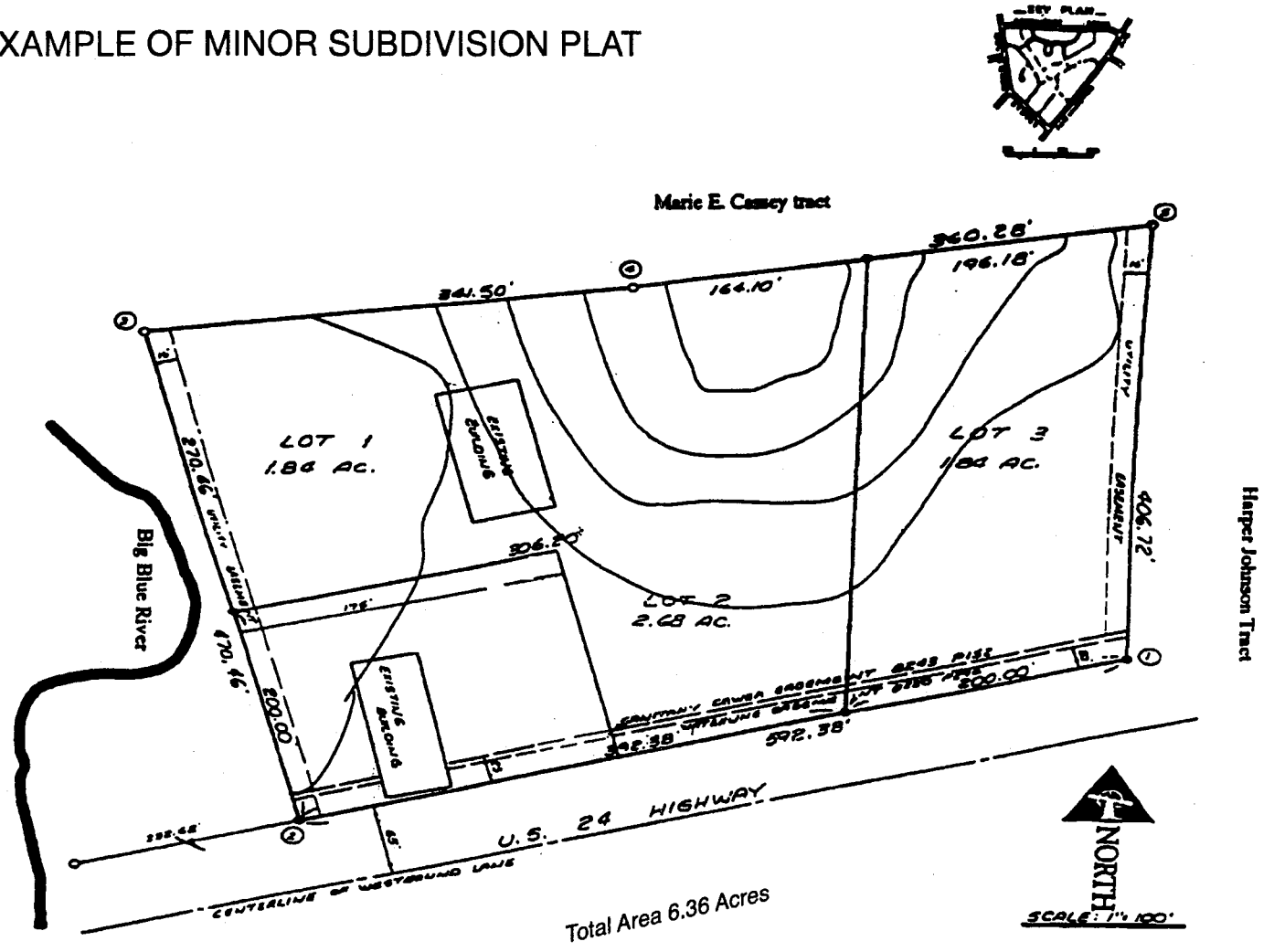
REQUIRED YARDS

 Buildable Area

# MARION SUBDIVISION REGULATIONS

## ILLUSTRATION 5

### EXAMPLE OF MINOR SUBDIVISION PLAT



Source of Title: Deed Book 10 Page 35

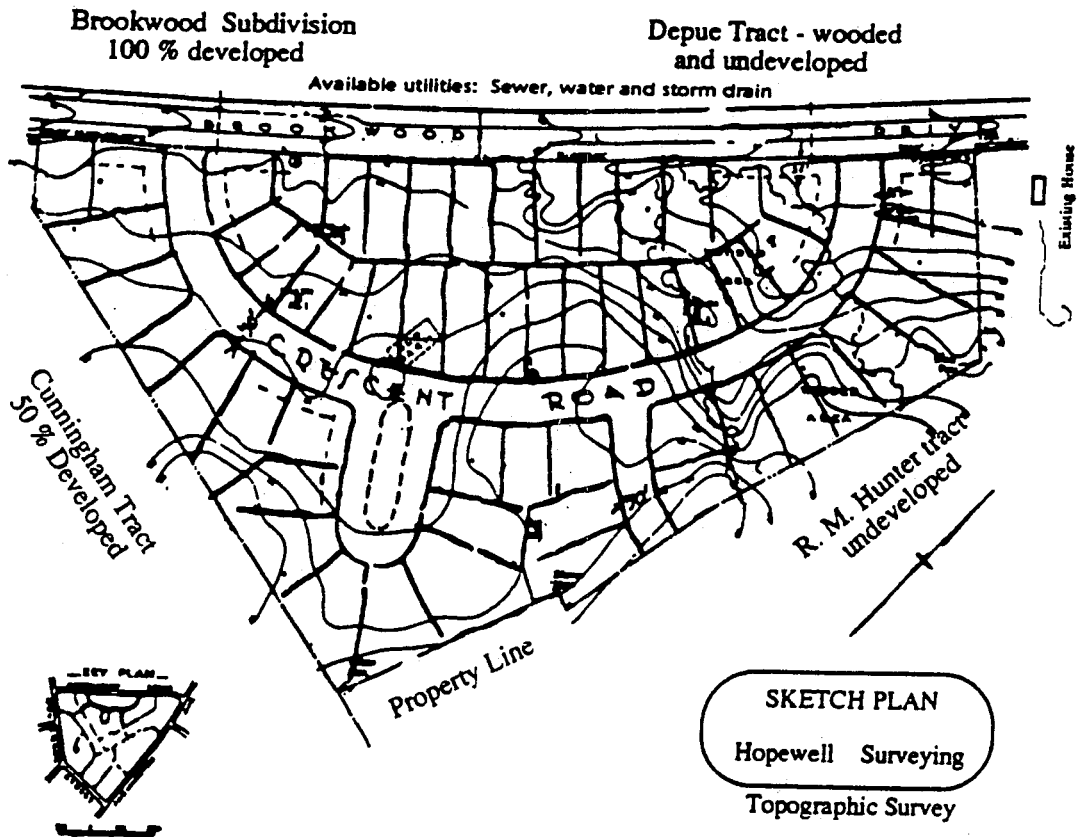
Source: The Small Town Planning Handbook (1995)

**MARION SUBDIVISION REGULATIONS**

**ILLUSTRATION 6**

**EXAMPLES OF MAJOR SUBDIVISION SKETCH PLAN**

**Example sketch plan drawn on USGS  
topographic map**



*Source: The Small Town Planning Handbook (1995)*

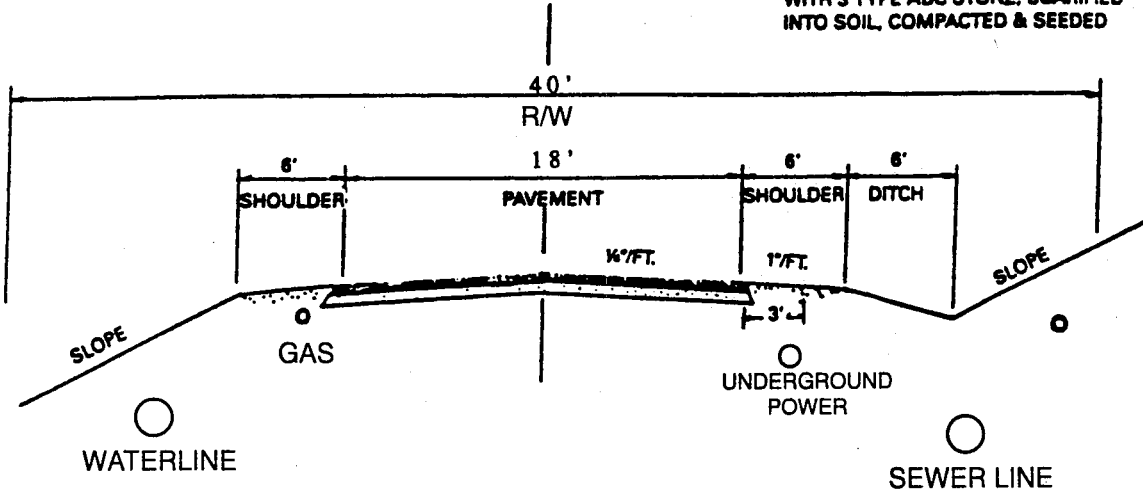


# MARION SUBDIVISION REGULATIONS

## ILLUSTRATION 7 SECTION 7.10

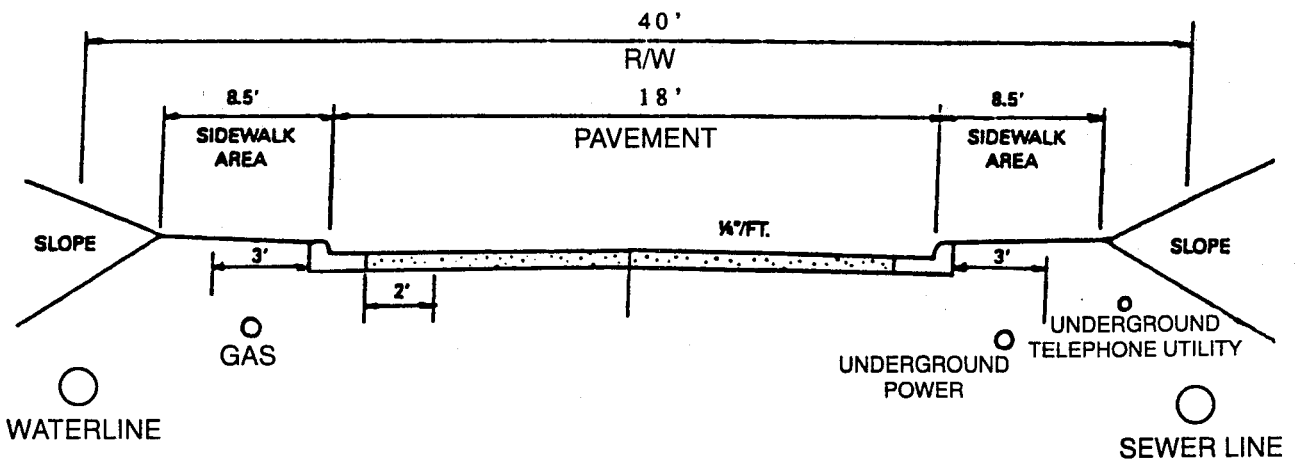
### Residential Street No Curb & Gutter

NOTE: SHOULDER SHALL BE STABILIZED WITH 3 TYPE ABC STONE, SCARIFIED INTO SOIL, COMPACTED & SEEDED



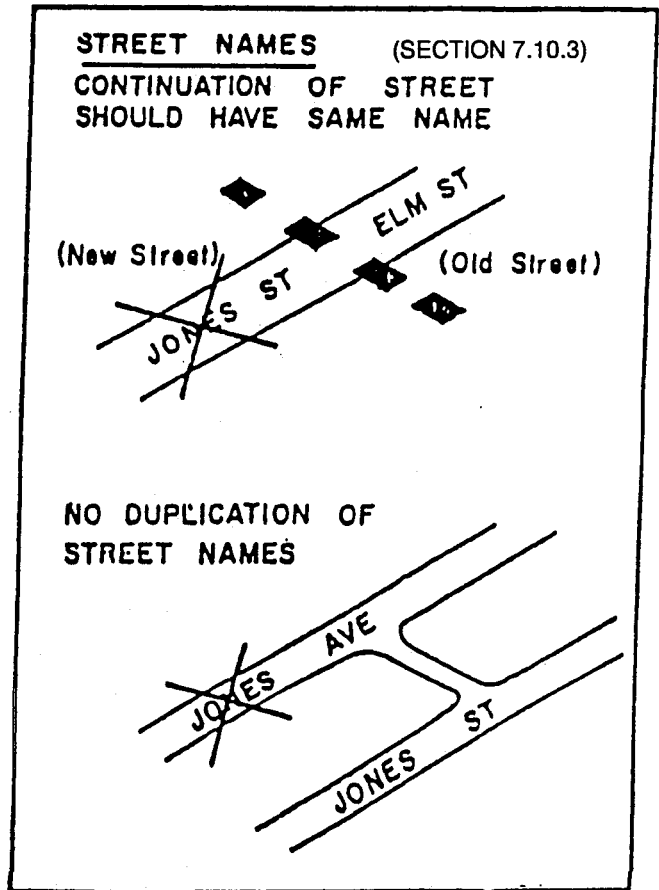
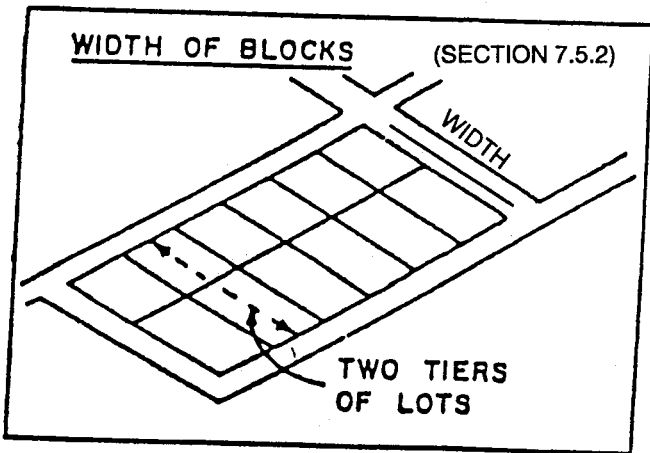
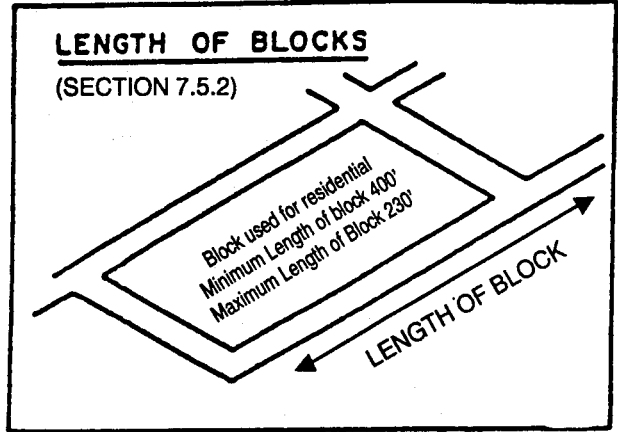
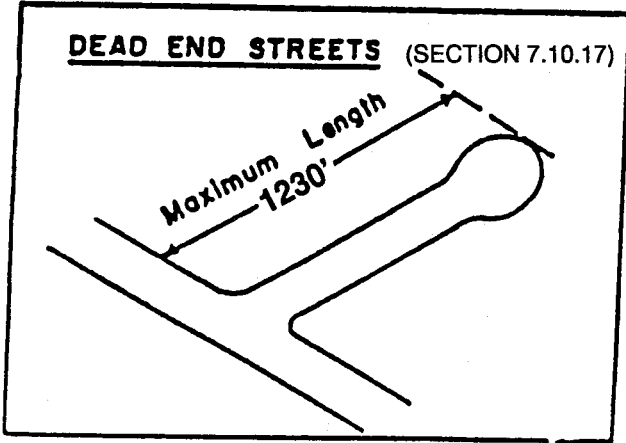
TERRAIN LEVEL	MAX. SLOPE
ROLLING	2:1
HILLY	1 1/2:1

### Residential Street Curb & Gutter



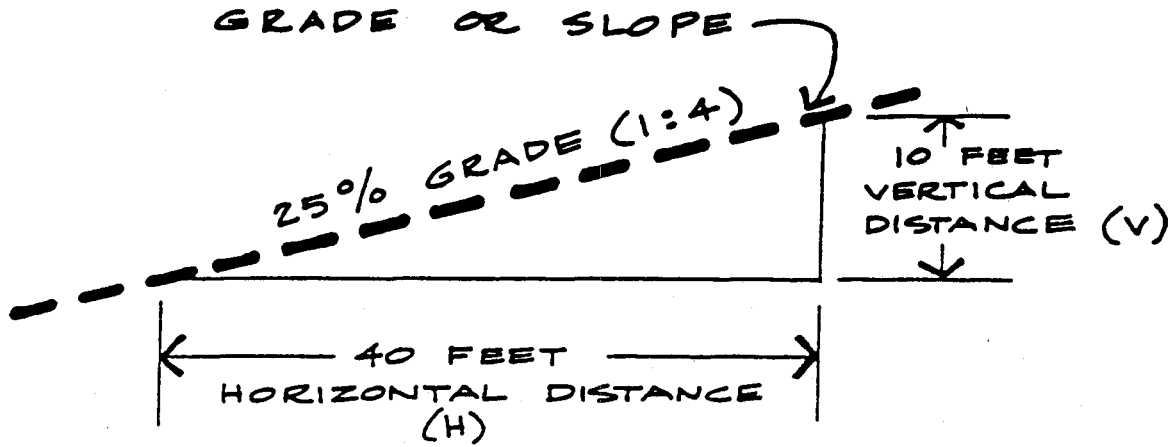
**MARION SUBDIVISION REGULATIONS**

ILLUSTRATION 8

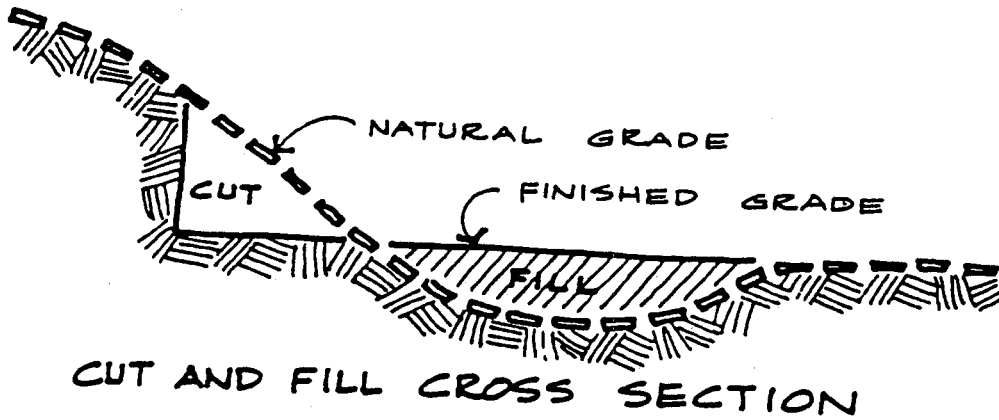


MARION SUBDIVISION REGULATIONS

ILLUSTRATION 9

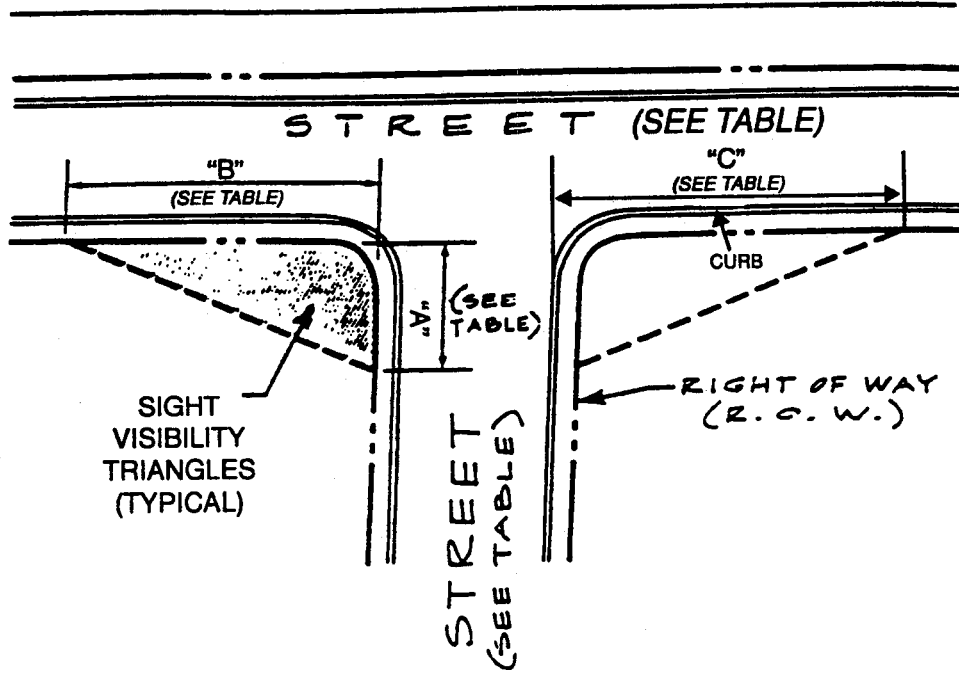


SLOPE CALCULATION =  $\frac{V}{H}$   
(DEGREE OF SLOPE = TANGENT OF  $\frac{V}{H}$ )



MARION SUBDIVISION REGULATIONS

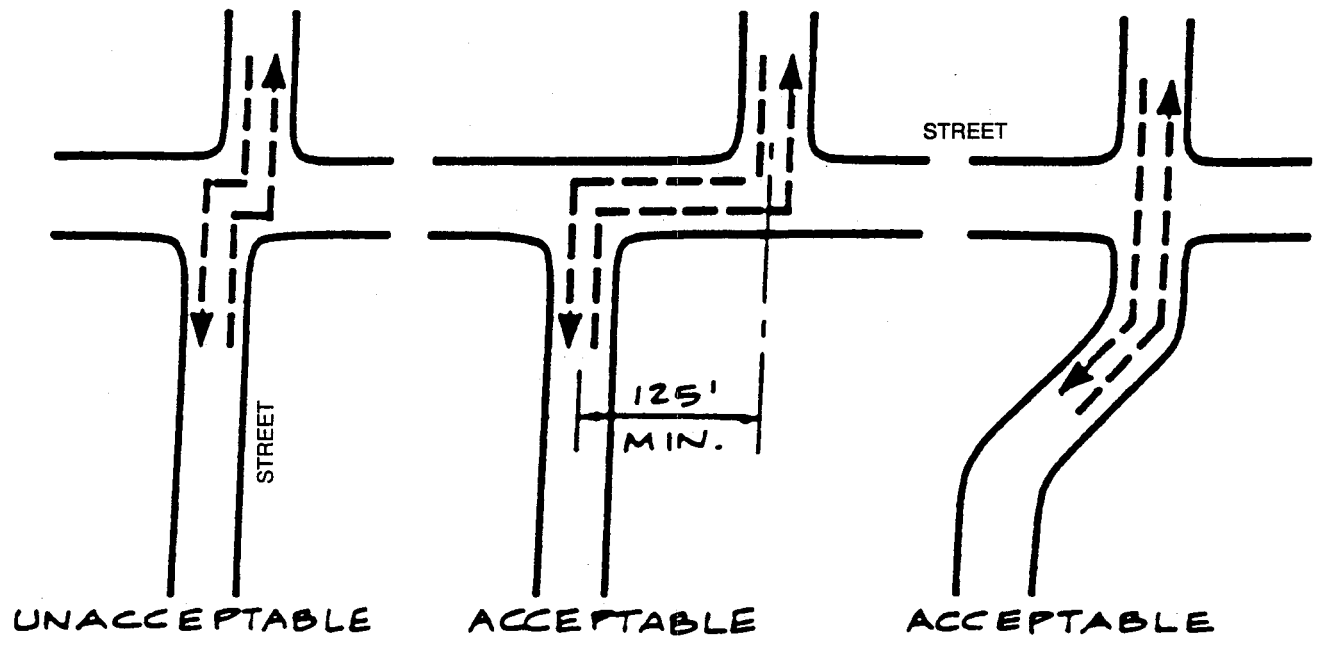
ILLUSTRATION 10  
SIGHT VISIBILITY TRIANGLES  
(SECTION 7.10.7)



Intersection Major Approach Type of Street	Distance in Feet		
	A	B	C
Arterial	15	300	150
Collector	15	150	75
Local	15	100	50
Alley or Driveway	10	75	50

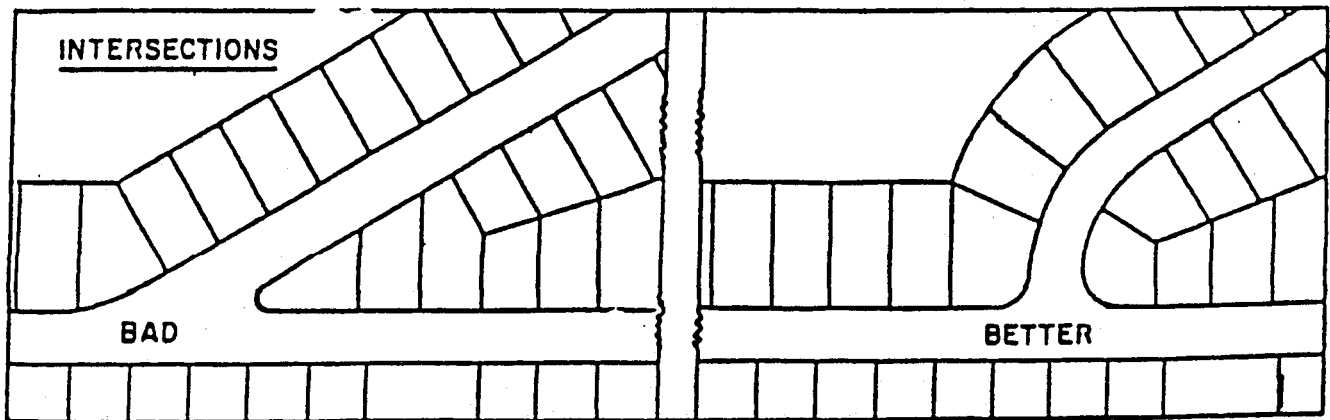
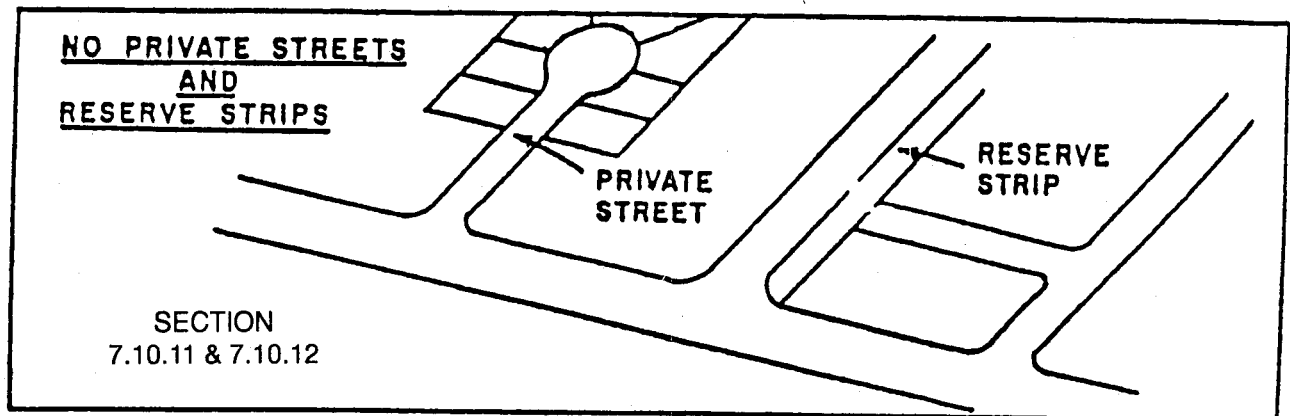
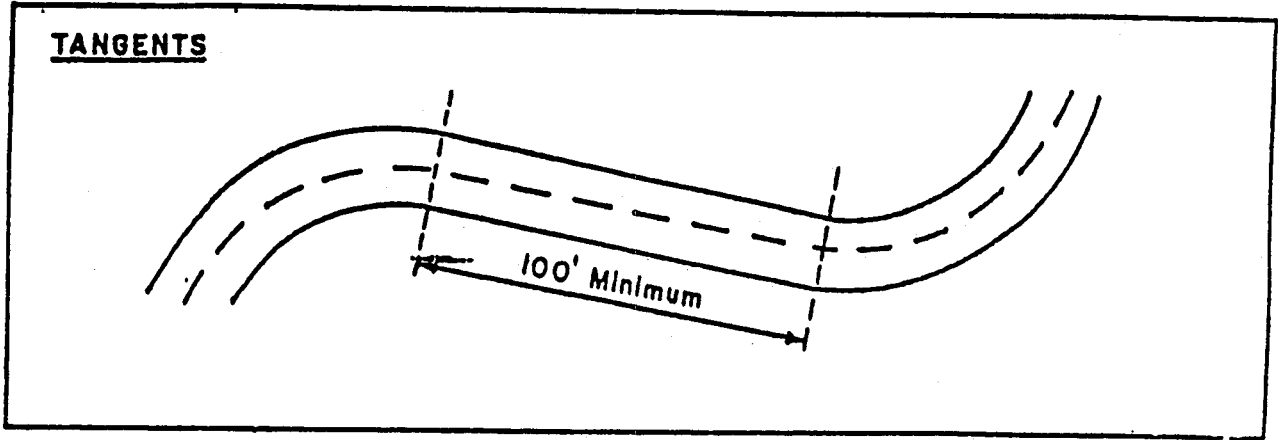
MARION SUBDIVISION REGULATIONS

ILLUSTRATION 11  
(SECTION 7.10.8)  
STREET INTERSECTIONS



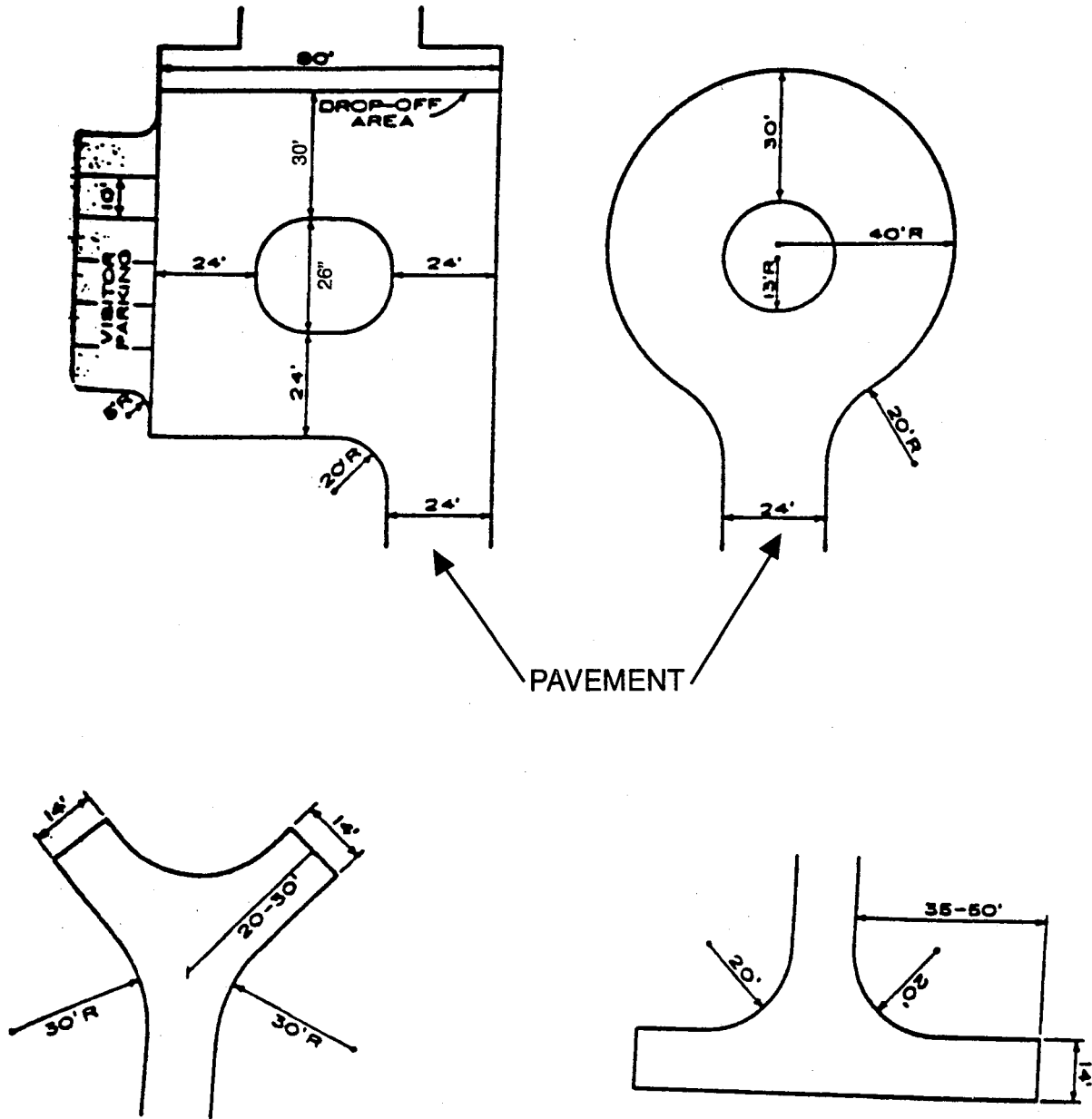
MARION SUBDIVISION REGULATIONS

ILLUSTRATION 12



MARION SUBDIVISION REGULATIONS

ILLUSTRATION 13  
VARIOUS CUL-DE-SAC  
CONFIGURATIONS  
(SECTION 7.10.17)



# MARION SUBDIVISION REGULATIONS

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