

ORDINANCE NO. _____ - 2024

AN ORDINANCE AMENDING ARTICLE 4-8 OF THE LAND SUBDIVISION REGULATIONS OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, UPDATING SURETY REQUIREMENTS FOR THE COMPLETION OF PUBLIC IMPROVEMENTS AS FOLLOWS: AMENDING SECTION 4-8 TO EXPRESSLY INCORPORATE THE REQUIREMENTS OF LFUCG ENGINEERING MANUALS FOR THE COMPLETION OF PUBLIC IMPROVEMENTS; AMENDING SECTION 4-8(a) TO PROVIDE FOR PRE-FINAL INSPECTION OF PUBLIC IMPROVEMENTS FOR PURPOSES OF CALCULATING SURETY; AMENDING SECTIONS 4-8(b) AND 4-8(c) TO UPDATE REQUIREMENTS FOR REDUCTIONS OF SURETY; AND AMENDING SECTION 4-8(d) TO UPDATE REQUIREMENTS FOR RENEWAL OF THE SURETY. (PLANNING COMMISSION).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has initiated a text amendment to Article 4 of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government (“Land Subdivision Regulations”), to update surety requirements for the completion of public improvements; and

WHEREAS, the Planning Commission has considered a text amendment to Article 4-8 of the Land Subdivision Regulations amending Section 4-8 to expressly incorporate the requirements of LFUCG engineering manuals for the completion of public improvements, amending Section 4-8(a) to provide for pre-final inspection of public improvements for purposes of calculating surety, amending Sections 4-8(b) and 4-8(c) to update requirements for reductions of surety, and amending Section 4-8(d) to update requirements for renewal of the surety required for completion of public improvements. The Planning Commission did recommend APPROVAL of the text by a vote of 9-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 4-8 of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended to read as follows:

4-8 COMPLETION OF PUBLIC IMPROVEMENTS – Public improvements that were not completed prior to certification of the final plan by the Urban County Engineer shall be completed in conformance with the approved improvement plan and the Engineering Manuals adopted by the Urban County Government and incorporated herein by reference. In the event the public improvements are not completed as provided in the schedule for completion, or repaired as required, the Urban County Engineer shall, in writing, advise the Planning Commission, which

shall have the authority to call the surety posted in favor of the Urban County Government and cause the work to be constructed or repaired, as appropriate.

Section 2 – That Section 4-8(a) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

4-8(a) PRE-FINAL INSPECTION – When requested by the developer, the Division of Engineering shall inspect the public improvements with the developer or developer’s representative. Incomplete portions of the work on the public improvements are added to the punch list which is issued to calculate the surety value.

Section 3 – That Section 4-8(b) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

4-8(b) REDUCTIONS OF SURETY – When requested by the developer, reductions of surety shall be allowed as set forth herein. Within thirty (30) days of the request by the developer, the Division of Engineering shall inspect the improvements. After one year, the surety may be reduced by an amount equal to ten percent (10%) of the total amount of the cost of the stormwater facilities, plus the value of all punch list items that are found to have been completed. After three years, the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the sanitary sewer and pump station facilities plus the value of any items that are found to have been completed in the third year.

Section 4 – That Section 4-8(c) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

4-8(c) COMPLETION OF UTILITIES AND FINAL COURSE OF ASPHALT – Completion of utilities and final course of asphalt shall be in compliance with the current edition of the Procedures Manual. Upon installation of the final surface, the amount of the surety may be reduced by an amount equal to ten percent (10%) of the cost of the base courses; but in no case shall the reduction be more than ten percent (10%) of the cost of the final surface. If the final course of asphalt has been applied for at least one year, and if a previous reduction for the final course of asphalt has not been taken, the amount of the surety may be reduced by an amount equal to ten percent (10%) of the total cost of the final course of asphalt.

Section 5 – That Section 4-8(d) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

4-8(d) RENEWAL OF THE SURETY – When a renewal of the surety posted by the developer has been requested by the developer, the Urban County Engineer shall renew the surety for uncompleted and warranty items for one additional year. As a condition of renewals for sureties older than 4 years, the Division of Engineering will require recalculation of the amount of the surety based on the current unit prices. Sureties shall remain in full force and effect until such time as all infrastructure and punch list items are complete, and in no event shall a developer allow the surety to expire or to lapse until such time as all infrastructure and punch list items are complete.

Section 6 – That this Ordinance shall become effective upon the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

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