GENERAL PROVISIONS AND DEFINITIONS

1-14 DEFINITION OF WORDS - Throughout these Subdivision Regulations, all words in the present tense include future tense, and all words in the plural number include the singular number or vice-versa, unless the natural construction of the wording indicates otherwise. The word "may" is permissive, while the words "shall" and "will" are mandatory. The follow- ing words and phrases, when used in these regulations, shall be defined and interpreted as follows:

COMPOSITE DRAINAGE PLAN - A component of the improvement plan prepared by the project engineer showing surface drainage on each lot, flow arrows that indicate the direction of surface drainage through each surface drainage easement, sanitary sewers and manholes, storm sewers and manholes, surface inlets, curb inlets, constructed channels, detention ponds and other best management practices, the regulatory flood protection elevation for each lot containing or adjoining a floodplain, the location of sinkholes and sinkhole non-building areas.

DEVELOPMENT IMPROVEMENTS - Physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more useable for human activities. Typical development improvements referenced in these regulations are grading, street pavement, curbs, gutters, drainage ditches, storm and sanitary sewer facilities, utility lines of all types, street name signs, property number signs, trees, etc. As used herein, development improvements may also be referred to as development or improvements.

DIVISION OF ENGINEERING MANUALS - The Division of Engineering Manuals (also known as the Engineering Manuals, or the Manuals) is a set of seven documents to provide standards for the design, review, construction, and inspection of infrastructure. The Engineering Technical Manuals are Construction Inspection (also known as the Inspection Manual), Geotechnical, Roadway, Sanitary Sewer and Pumping Station, Stormwater, and Structures. In addition to the six Technical Manuals, a Procedures Manual for Infrastructure Development (also known as the Procedures Manual) establishes the responsibilities and procedures to be used by the Lexington-Fayette Urban County Government, the land developer and the project engineer. These Manuals are hereby adopted by the Urban County Government and incorporated into these Subdivision Regulations by reference. From time to time, the Urban County Government may revise, modify, or amend the Manuals in conformance with the procedure established in the Procedures Manual. When any of the Engineering Manuals are cited by these Subdivision Regulations, the current edition, latest revision, shall be referenced.

GREEN INFRASTRUCTURE – Infrastructure and storm-water control design approaches and technologies that mimic the natural hydrologic cycle processes of rainfall infiltration, evapo-transpiration and reuse.

LOW IMPACT DEVELOPMENT – A storm water management design approach for commercial and residential developments that has a goal of achieving a hydrologically functioning development that approaches pre-development natural site conditions, using green infrastructure and other design features in lieu of large scale storm-water collection and conveyance structures.

REGULATORY FLOOD - A flood of a magnitude having a one percent (1%) chance of occurring in any given year and which, over a long period of time, can be expected to be equaled or exceeded, on the average, once every 100 years. Base flood shall be synonymous with regulatory flood.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE) - An elevation that is two (2) feet above the water surface elevation of the regulatory flood.

STORMWATER BEST MANAGEMENT PRACTICES – Those practices used to manage stormwater runoff, both quality **or** ~~and~~ quantity, and may include, but is not limited to, **green infrastructure, manufactured treatment devices,** ~~bioretention systems, infiltration systems, sand and organic filters, prefabricated treatment devices,~~ detention **basins** ~~ponds~~, extended detention **basins** ~~ponds~~, wet ponds**, underground detention**, and constructed wetlands.

DESIGN AND IMPROVEMENT STANDARDS FOR MAJOR SUBDIVISIONS

6-7 STORMWATER DISPOSAL STANDARDS - Every subdivision shall provide satisfactory drainage of stormwater by means of underground sewer pipes and/or constructed channels, provided that such stormwater drainage system conforms to the requirements of this Article, the Division of Engineering Stormwater Technical Manual and Standard Drawings, and the Lexington-Fayette County Health Department. Failure to comply with the requirements of ~~Storm Water~~ **Stormwater** Disposal Standards during construction, or to properly maintain the easements and/or facilities required by these standards during or after construction, shall be a violation subject to a civil citation, as provided in Article 1 of these Subdivision Regulations.

6-7(a) FLOODPLAINS AND FLOODWAYS - Any construction within a designated floodplain or floodway shall conform with the provisions of Article 19 of the Zoning Ordinance. Notes and restrictions on the preliminary or final plan may be required by the Planning Commission to implement Article 19.

6-7(b) RELATIONSHIP OF STORM SEWERS TO SANITARY SEWER SYSTEMS - No storm water drainage system may be designed, constructed or connected so as to flow into any public or private sanitary sewer system.

6-7(c) STORMWATER BEST MANAGEMENT PRACTICES – Where required by the ~~Storm Water~~ **Stormwater** Manual, storm water best management practices shall be provided by the developer.

6-7(c)(1) SINGLE FAMILY, TWO-FAMILY, AND CERTAIN MULTI-FAMILY RESIDENTIAL AREAS – In single-family and two-family residential areas, when detention **basins** ~~ponds~~, extended detention **basins** ~~ponds~~, wet ponds, **and** constructed wetlands and ~~infiltration basins~~ are used for ~~storm water~~ **stormwater** management, they shall be dedicated to the Lexington-Fayette Urban County Government and shall be located on separate lots with adequate access for maintenance. In multi-family developments, such facilities shall be dedicated to the Lexington-Fayette Urban County Government when each multi-family structure is proposed to be located on a separate lot with access to a public street.

6-7(c)(2) OTHER RESIDENTIAL, OFFICE, BUSINESS AND INDUSTRIAL AREAS – In all other multi-family residential, business, office and industrial areas, all storm water best management practices shall be owned and maintained by the property owner. No storm water best management practices shall be subdivided so as to be a part of more than one lot, and all shall be connected to an adjoining buildable lot.

6-7(d) STORM DRAINAGE EASEMENTS – Easements for storm water drainage systems and access to storm water best management practices shall be shown on the final record plan. Special notes relating to the maintenance of such easements may be required by the Planning Commission on the final subdivision plan. Drainage easements may be combined with utility and other easements if sufficient widths are provided. However, no drainage easement containing underground storm sewers may be combined with a utility easement containing underground electric or natural gas lines, except for necessary crossing points, unless sufficient clearance between the facilities is provided and documented. Release or modification of storm drainage easements shall require the expressed approval of the Urban County Council. Encroachments, construction of drainage improvements and facilities shall be at the approval of the Commissioner of Public Works or the Commissioner's authorized agent.

6-7(e) CONSTRUCTED CHANNELS – When surface drainage of one acre or greater is proposed, a constructed channel shall be used. Such channels shall be designed in conformance with the Division of Engineering Stormwater Manual to contain the 100-year storm within the channel. ~~Lots which include or adjoin the channel shall indicate a minimum elevation for the lowest floor of the lowest enclosed area (including basement) and all openings, which shall be two (2) feet above the elevation of the water in the channel during the 100 year storm.~~

6-7(f) SOIL EROSION CONTROLS – Control of erosion and sedimentation for subdivisions shall be as required under Chapter 16 of the Code of Ordinances and the provisions of the Division of Engineering ~~Storm Water~~ **Stormwater** Manual.

6-7(g) ALTERNATE SOLUTIONS - In situations where off-site storm water improvements are necessary and appropriate for the public health, safety and welfare of the community, and the developer is prevented from making such off-site improvements because 1) right-of-way and easements cannot be acquired; 2) State/Federal approval is required and/or 3) other unusual conditions exist beyond the control of the developer, then the Urban County Government may assist in resolving the problem or developing alternate solutions.

6-11(a)(3) FLOODPLAIN AREAS EXCEPTED – Floodplain areas along streams that have Special Flood Hazard Areas or where detailed hydrologic and hydraulic calculations have been done to calculate ~~post development~~ **the** floodplain shall not be required to be contained in reports required above for environmentally sensitive areas, except to the extent they impact or are impacted by another environmentally sensitive area. Restrictions for floodplain areas shall be as required by Article 19 of the Zoning Ordinance and the Stormwater Technical Manual.

6-11(a)(4) SINKHOLES - In locations where a sinkhole, a sinkhole cluster, or an immediate sinkhole drainage area is found, the following requirements shall apply:

(a) PLAN REQUIREMENTS - A sinkhole, the immediate sinkhole drainage area, a sinkhole cluster area or portions of such areas shall be shown on any development plan or preliminary subdivision plan. Sinkhole-related non-buildable areas and restricted fill areas shall be shown on final subdivision plans and final development plans.

(b) STUDIES REQUIRED - In locations where a sinkhole, a sinkhole cluster, or an immediate sinkhole drainage area is found, the developer shall provide recommendations from the project engineer based upon substantial and state-of-the-art field studies and evaluation of the specific sinkhole system. Such studies and recommendations shall be prepared in conformance with the Geotechnical Manual and submitted to the Planning Commission as a part of the Improvement Plan Progress Report.

(c) SINKHOLE-RELATED NON-BUILDABLE AREAS - Based upon the topography, geology, soils, and known history of the sinkhole (such as past filling) and the project engineer's storm water analysis and plan, the Planning Commission shall, when appropriate, establish sinkhole-related non-buildable areas. No buildings, parking areas or other structures shall be permitted within the sinkhole-related non-buildable area. The non-buildable area shall follow the limits of the sinkhole in most cases. However, the non-buildable area may be expanded or contracted by action of the Planning Commission, where warranted, due to the nature of the specific sinkhole; the underlying geology; soils; drainage and any related information, such as depth to bedrock.

(d) DEVELOPMENT IN SINKHOLE DRAINAGE AREAS - Development may occur in the immediate sinkhole drainage area if the developer provides alternative surface drainage away from the sinkhole, while keeping the water in the same surface drainage basin; and provided further that the water shall not go into another sinkhole drainage area off the petitioner's property, nor into another stream of known flooding problems. The immediate sinkhole drainage area (or portion thereof) which cannot be provided with an alternative drainage system can be deleted from the development area and be used to meet the normal open space requirements. The developer may request that the Planning Commission increase the density on the remainder of the developable area with the total resulting density no greater than if the entire area were developed to the permitted density. For portions of the immediate sinkhole drainage area where alternative surface drainage methods cannot be provided, as determined by the project engineer, the developer may choose one of the alternatives described in Section 5 below based upon the information derived from the studies, evaluation, and recommendations required above.

(e) SINKHOLE SURFACE DRAINAGE ANALYSES - The sinkhole can be used for surface runoff drainage of a proposed development if the conditions of either of the following alternatives are met:

(1) ALTERNATIVE 1 - A sinkhole can be used for surface runoff of a proposed development with or without retention or detention facilities, as recommended by the project engineer, provided that any increase in the quantity of surface runoff due to development of the entire sinkhole drainage area in question will not aggravate flooding on the proposed development, adjacent existing development, or connected/adjacent sinkhole subsurface systems. The Planning Commission shall not approve a development using this alternative unless the study, evaluation and recommendations required above meet the requirements of this subsection.