

4/12/21

COMMONWEALTH OF KENTUCKY
COUNTY OF SPENCER
CITY OF TAYLORSVILLE
ORDINANCE 412
AMENDING
CITY ORDINANCE NO. 382
(As Underlined Hereafter)

AN ORDINANCE HEREINAFTER REFERRED TO AS THE CITY'S DEVELOPMENT
PLAN RE THE INFRASTRUCTURE DEVELOPMENT STANDARDS ORDINANCE
ESTABLISHING STANDARDS AND REQUIREMENTS FOR ALL SUBDIVISIONS,
DEVELOPMENTS, AND BUILDING IN THE CITY OF TAYLORSVILLE AND THE
PROVISIONS FOR GOOD AND SUFFICIENT SURETY TO INSURE PROPER
COMPLETION OF SUBDIVISIONS' PHYSICAL IMPROVEMENTS ETC., WITHIN
THE CITY OF TAYLORSVILLE

WHEREAS, pursuant to the powers and authority of the Home Rule City of
Taylorsville, and to promote the health, safety and general welfare of the ~~residence~~ residents and
the public in the City of Taylorsville,

THEREFORE, BE IT ORDAINED by the City of Taylorsville as follows:

GENERAL PROVISIONS

1. The City herein establishes standards and requirements regarding infrastructure for all development, buildings and /or construction within the City of Taylorsville, whether in a residential, business, commercial ~~or~~, industrial, or subdivision, property any development or construction any building(s) regardless of the zone;
2. The standards and requirements shall be in addition to those of ~~the City of Taylorsville~~ the County of Spencer, the Joint Planning and Zoning and Subdivisions Regulations and requirements; any other relative Federal, State, or Local Laws or Regulations;
3. No building permit shall be issued, ~~nor plat approved for any subdivision, for any development or~~ for the building and/or construction of any building or structure within the City of Taylorsville, except for subdivisions, until development plans (site plans) have been submitted to and approved by the City, regardless of the zone ~~for the real estate is in~~ located within the City of Taylorsville;
4. No Final Subdivision Plat shall be approved by the Planning and Zoning Commission or accepted for recording by the Spencer County Clerk, nor any construction commenced

until the proper financial security has been posted with the City for the completion of the Subdivision, as set forth in Appendix G of this Amendment- Financial Security;

5. No Subdivision lot(s) shall be sold to the ultimate consumer nor building permit(s) shall be issued until the infrastructure which are streets, water, sewer, storm drains, curb and gutter, sidewalks, which will subsequently be maintained by the City, have been installed in accordance with City Ordinance 382, this Amendment, the Planning and Zoning Regulations and any other ordinance(s) or regulation(s) and the work has been inspected and approved by the City and the City's Engineers, along with the installation of the conduit for the electric and the telephone utilities ,in accordance with the utility's standards;
6. The Owner and /or the developer of a Subdivision may be required to widen existing public thoroughfare(s), as set forth in Appendix H of this Amendment- Public Thoroughfare Widening;
7. The City Engineer shall design, inspect, and approve subdivisions' streets, sidewalks, water, sewer, and storm drains infrastructure for a fee payable to the City before any design is commenced, as set forth in Appendix I of this Amendment- Fees.

Section 1 Street Curbs and Gutters Refer to Appendix A;

Section 2 Streets, width and design and Parking on and off the Street etc. Refer to Appendix B;

Section 3 Sidewalks Refer to Appendix C;

Section 4 Lighting Refer to Appendix D;

Section 5 Surface Water Drainage and Storm Sewage Systems Refer to Appendix E;

Section 6 Solid Waste Disposal Refer to Appendix F;

Section 7 Water and Sewer Refer to current Water and Sewer Ordinances;

Section 8 Penalties and Enforcement which are as follows: at the option of the City, the City may enforce this Ordinance as a criminal offense pursuant to KRS 83A.065 against any person or legal entity who violates any portion of this ordinance and said violator(s) shall be guilty of a Class A Misdemeanor under KRS 534.040(2)(a) and shall be fined not less than \$10.00 and not more than \$500.00 for each offense and/or imprisoned not to exceed twelve (12) months in a county jail, as a Class A Misdemeanor under KRS 532.090(1), each day the violation(s) continues, shall constitute a separate offense, and/or the City may proceed with a civil action against the violator(s) including, but not limited to: a restraining order; an injunction; an order to cease and to desist; a declaration of rights action; actual, compensatory and/or punitive damages; financial security forfeiture; civil fines in the amount of \$500.00 per violation, per day, with each day the violation continues, shall constitute a separate offense.

The violator(s) shall be responsible for all costs including, but not limited to: fines, filing fees, court costs, legal costs the City may incur in the enforcement of this

ordinance, with any and all such fines, fees, costs, or forfeitures to accrue to the benefit of the City of Taylorsville payable to the City Treasurer, to be deposited into the City General Fund.

ENACTED this the 10TH day of AUGUST 2021, at a regular meeting of the City of Taylorsville.

CITY OF TAYLORSVILLE BY:


MATT DOUGLAS, MAYOR

ATTESTED BY:


STEVE BIVEN, CITY CLERK

Date of First reading by Summary: APRIL 15, 2021

Date of Second Reading by Summary: AUGUST 10, 2021

Date Published by Summary AUGUST 18, 2021.

APPENDIX G

Financial Security:

No construction work shall commence, no lot(s) sold, to the ultimate consumer, nor a Final Subdivision Plat approved or recorded until the owner(s) and/or the developer(s) has provided the City of Taylorsville a financial security of: a surety bond acceptable to the City; a letter of credit from a financial institute acceptable to the City; a certificate of deposit payable to the City and to be held in escrow; a certified check payable the City to be deposited in an escrow account; or cash to be deposited in an escrow account; in an amount determined by the City and the City Engineer to cover the estimated cost of all the improvements, subsequently to be maintained by the City, which will be subdivision streets, water, sewer, storm drains, sidewalks, curb and gutter, including conduit for electric and telephone utilities by the utility's standards, which the City shall not maintain, plus an additional 20%.

The financial security shall be subjected to the condition that the improvements will be completed within a reasonable time set by the City, which shall not exceed eighteen (18) months after approval of the water and sewer infrastructure by the Division of Water. An extension of an additional (6) months' time may be granted for a valid reason as determined by the City.

The financial security will be held by the City for one year after all work has been completed, inspected and approved by the City and the City Engineer, for all projects and not just phases.

Provided, if a sub-division is to be developed in phases, the developer of a sub-division must provide to the City an approved preliminary plat ready for infrastructure design. All fees shall be calculated and paid as stipulated in Appendix I for all lots specified, in addition, the infrastructure shall be designed for all lots as specified on the preliminary plat. The developer may request to install the infrastructure in phases; therefore, each phase must be completed within 6 months with all phases to be complete within 18 months after the approval for the water & sewer infrastructure design from the Division of Water. A six (6) month extension maybe requested and granted but only for a valid reason as determined by the City. Financial security shall be provided as specified above for the entire infrastructure project plus one year. The financial security maybe reduced as each phase is completed. The reduction shall be determined by the City. **OR**

Provided, if a sub-division is to be developed in sections, the developer of a sub-division must provide to the City an approved preliminary plat ready for infrastructure design. The

preliminary plat must include all lots of all sections of the proposed sub-division. All fees shall be calculated and paid as stipulated in Appendix I for all lots specified in the section to be designed. each section must be identified as A, B or C whichever applies. Each section shall be considered and designed as individual sub-divisions. The developer must complete all infrastructure installation within 18 months (no extensions) for each section after the approval for the water & sewer infrastructure design from the Division of Water. Financial security shall be provided for the infrastructure for each section plus one year. Warranty dates shall be determined by the engineer for each section. All information is relatively important when designing gravity sanitary sewer, storm drainage, water line hydraulics and other infrastructure.

APPENDIX H

Widening Existing Public Thoroughfare(s):

- A. If necessary, it shall be the responsibility of the owner(s) and/or the developer(s) to widen the existing public thoroughfare(s) which provides access to the proposed subdivision, along its boundary with said subdivision, at the owner(s) and/or the developer(s) expense, including the relocation/reconstruction of any utilities, drainage structures, entrances and miscellaneous appurtenances disturbed by said construction.
- B. The existing public road shall be widened from centerline of said road to provide a 24' (minimum) paved width with 2' shoulders, in accordance with existing City regulations. The widened paved roadway shall consist of filter fabric and of 10" compacted dense graded aggregate base (applied in 4" lifts) and 4" compacted depth bituminous asphalt base and 2" bituminous asphalt surface.
- C. Maintenance of traffic during widening of said road shall be the responsibility of the developer. The plans for existing public road/street widening including maintenance of traffic plan shall be provided to the City during the design phase and be a condition of approval of the subdivision plat. All plans will be designed to meet Kentucky Transportation Cabinet (KYTC) Standards and Specifications. Additionally, the developer will provide the City of Taylorsville with a financial security for this work as required in Appendix G.

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APPENDIX I

I

Payment of Fees

Pursuant to General Provision 7 of this Amended Ordinance #412, the City Engineer shall design, inspect, and approve all subdivisions, within the City, regarding streets, water, sewer, and storm drains, sidewalks, curb and gutter infrastructure. The City Engineer shall design, inspect, and approve all subdivisions outside the City for water and other infrastructure the City is to maintain.

The owner(s)and/ or Developer(s) shall pay to the City before any work is commenced by the City or its Engineer, the fees setforth below, the amount of which may be amended periodically by the City Commission at a City meeting.

II

City Administrative Fees

Includes the administration of the project by the City and the final approval and the acceptance of the said infrastructure which shall be paid by the owner(s)and/or developer(s) as part of the Engineering Fees and deducted from the Engineering Fees by the City upfront:

Water:

The City shall receive a minimum Administrative Fee of \$500.00 or 7.5 % of the Engineering Fee, whichever is greater.

Sewer:

The City shall receive a minimum Administrative Fee of \$500.00 or 7.5% of the Engineering Fees, whichever is greater.

Streets, Storm Drainage::

The City shall receive a minimum Administrative Fee of \$500.00 or 7.5% of the Engineering Fees, whichever is greater.

III

City Engineering Services

Includes the following services:

- Design i.e., drawings, specifications; surveying; mapping of topography for design;
- Submitting water and /or sewer plans including, but not limited to, plans, specifications, applications, maps, hydraulics, etc., to the Regulators for approval;
- Inspection of construction for compliance with design, specifications and regulations.

- Compliance with State regulations, the Planning and Zoning Subdivision Regulations and the City Infrastructure Ordinances.

IV

City Engineering Fees:

Water:

\$3,000.00 for the first 10 lot(s) or less, then \$200.00 for each additional lot(s) above the initial 10 lots. The City shall receive a minimum Administrative Fee of \$500.00 or 7.5% of the Engineering Fee.

Sewer:

\$5000.00 for the first 10 lot(s) or less, then \$400.00 for each additional lot(s) above the initial 10 lots. The City shall receive a minimum Administrative Fee of \$500.00 or 7.5% of the Engineering Fee.

Streets & Storm Drainage:

\$5,000.00 for the first 10 lot(s) or less, then \$400.00 for each additional lot(s) above the initial 10 lots. The City shall receive a minimum Administrative Fee of \$500.00 or 7.5% of the Engineering Fee.

V

Fee Payment by City-to-City Engineer

Shall be based on Engineer's estimate of the percentage of the total services completed during the billing period.

- Preliminary Design Phase10%
- Final Design Phase 60%
- Construction Phase & inspection17%
- Post Construction Phase records and drawings 5.5%

Total % of Fee Disbursement to Engineer less

Administration Fees to the City as set out in Section II above.