

City of Paducah Subdivision Development Process - Summary

Planning Commission Powers as Related to Comprehensive Plan

Pursuant to KRS 100.273(1), since the City of Paducah has adopted a Comprehensive Plan and its elements, the City is authorized to adopt subdivision regulations. Since the City of Paducah has subdivision regulations, the Planning Commission has legal authority to approve a proposed subdivision, pursuant to KRS 100.277(1).

Subdivision Regulations Differ from Zoning

Subdivision regulations regulate the design and layout of land being divided within the incorporated boundaries of Paducah. They are the legal and policy framework that regulate the subdivision plan, which is the layout for a particular development.

Subdivision regulations include technical requirements for site improvement, construction, bonding, design, construction of streets and sidewalks, lot layouts, easements, public space, drainage, and more. These regulations apply to all residential, commercial, industrial, or other development which are not otherwise exempt.

Subdivision regulations are in addition to local zoning codes which prescribe the permitted uses in an area (residential, commercial, industrial, etc.).

Public Hearings and Planning Commission's Structured Decision-Making

While there is no state statutory requirement for the City to hold a public hearing for the approval of a subdivision plat, the City has opted to hold public hearings at Planning Commission meetings in connection with a subdivision application. These hearings allow the Planning Commission to understand how the development will address utilities, roadways, dedications, traffic, and general conformance with subdivision regulations. This hearing is an opportunity for adjacent property owners within 200 feet of the subdivision to learn about the development project and ask questions.

Since the approval of a subdivision is a ministerial act, there is limited external influence made in the decision-making process. **If the subdivision plat meets all applicable regulations and adopted codes, policies, and plans the Planning Commission is obligated to approve the plan unless a substantiated finding of fact for denial is presented and approved by the body.**

Kelly v. Cook, Ky. App., 899 S.W.2d 517 (1995) held that if the subdivision plat conforms with zoning regulations and subdivision regulations, it should be approved.

Subdivision Platting Process

Step 1 - In Paducah, the Planning Commission grants approval of a Preliminary Plat which is an initial indication of a developer's plan. After Preliminary Plat approval, the developer is authorized to continue to the next stage of development.

Step 2 - A design professional (engineer) is hired to complete critical construction documents associated with preparing the land for development. The Engineer will put together construction plans for roads, drainage, sidewalks, utilities, etc.

Step 3 - The Engineering Department requires a Land Disturbance Permit, which requires an Erosion Sediment Control Plan (ESCP).

Step 4 - The developer will begin preparing the site for construction while working on construction plans for other improvements. The site preparation could include clearing, grading, and leveling.

Step 5 - Once all the site preparation improvements have been made and it looks like a vacant subdivision, the developer will file a Final Plat. The Planning Commission will approve the Final Plat and send that recommendation to City Commission.

Step 6 - KRS 100.277 requires that the Planning Commission's written approved final plan be recorded in the County Clerk's Office at the expense of the developer.

Step 7 - The City Commission is responsible for accepting (or not accepting) the public infrastructure and maintaining it in perpetuity. The City Commission could decide not to accept the public infrastructure should there be deficiencies identified during inspections when compared to the as-built construction documents. In the event the City does not accept the infrastructure, the development would become private and the responsibility of the developer or property owners to maintain in perpetuity. Should the developer fail to complete the infrastructure, the city requires a bond to be placed prior to construction in the event the developer defaults and the City is required to complete the project.

Step 8 - Once a record of plat is recorded by the developer, the lots can legally be sold or transferred in lieu of a metes and bounds description KRS 100.277(3).

What is the Paducah Board of Commissioners' Role in the Subdivision Process?

In addition to the City Commission's role as described in Step 7 above, the City establishes the regulatory framework for subdivisions, zoning, etc. and ensures that the Planning Commission and Planning Department are carrying out their duties and responsibilities.

Planning staff and the Planning Commission use the Comprehensive Plan as a tool to guide future growth and development decisions. As the Comprehensive Plan is updated to reflect the

community's goals today and over the next 20 years, Planning staff use that input to develop policy recommendations to achieve those goals. The ultimate goal is to positively shape the built environment of the community through the regulatory framework.