

**EXHIBIT "A"**

**PROPOSED AMENDMENTS TO THE 1988  
BOONE COUNTY SUBDIVISION REGULATIONS  
AND THE 1988 STREET AND STORM  
DRAINAGE CONSTRUCTION SPECIFICATIONS**

May 23, 1990

**History of Proposed Amendments**

On February 3, 1988, the Boone County Planning Commission held a Public Hearing regarding an update to the 1980 Boone County Subdivision Regulations. This Public Hearing was held after several months of public workshops, Committee meetings and Staff research. The result was the approval by the Boone County Planning Commission of the 1988 Boone County Subdivision Regulations and as a supplement to these regulations, the 1988 Street And Storm Drainage Construction Specifications. The approval of both documents occurred on February 17, 1988. These regulations and specifications affect the Cities of Florence, Union and Walton and the unincorporated area of Boone County. On March 1, 1989, the Boone County Planning Commission approved minor amendments to both documents. On March 28, 1990, the Boone County Planning Commission held a Public Hearing regarding amendments to the Subdivision Regulations. On April 18, 1990 the proposed amendments were withdrawn by the Boone County Planning Commission due to comments made after the Public Hearing.

Since the date of approval of the Subdivision Regulations and the Street and Storm Drainage Construction Specifications, there has been a large number of plats or plans submitted for review and action by the Boone County Planning Commission. Below is a table which lists the number of reviews since implementing both documents during the years 1988 and 1989.

1988

<u>TYPE</u>	<u>TOTAL # PLANS/PLATS</u>	<u>TOTAL # OF LOTS</u>
A. Preliminary Plat or Preliminary Development Plans	29	1,463
B. Improvement Plans	43	857
C. Final Plats	82	-----
D. Conveyance Plats	215	-----
E. Grading Plans	11	-----



<u>TYPE</u>	<u>TOTAL # PLANS/PLATS</u>	<u>TOTAL # OF LOTS</u>
A. Preliminary Plat or Preliminary Development Plans	32	2,926
B. Improvement Plans	34	949
C. Final Plats	70	-----
D. Conveyance Plats	252	-----
E. Grading Plans	11	-----

Consequently, the Staff working closely with the Technical Committee has evaluated the current set of regulations and public improvement specifications since the adoption of the 1988 Boone County Subdivision Regulations and the Street And Storm Drainage Construction Specifications. The amendments are intended to clarify the subdivision review procedure and minimum design requirements.

#### **Relationship to the Boone County Comprehensive Plan**

The Boone County Subdivision Regulations are designed specifically to implement the Boone County Comprehensive Plan, adopted by the Boone County Planning Commission on March 19, 1986 and September 17, 1986 and, subsequently, by the legislative bodies of the County. The Comprehensive Plan, including the "Goals and Objectives" element support a "controlled future growth and development approach" in Boone County. This approach seeks the protection of the natural environment and efficient use of land resources, physical improvements, and public facilities. The Subdivision Regulations are one tool for the implementation of this Plan in addition to the current Zoning Regulations, which have previously been approved.

The major emphasis behind this update is to show that the proposed regulations are generally consistent with the current Boone County Comprehensive Plan. This work has been conducted in conjunction with the recently approved Goals and Objectives of the 1989-1990 Goals and Objectives of the Boone County Comprehensive Plan by the Cities of Florence and Walton and the Boone County Fiscal Court. These proposed amendments are also consistent with the 1985 and 1986 Goals and Objectives of the Boone County Comprehensive Plan.

Goal:

"Proper future growth management for Boone County is provided for the benefit of its residents."

Objective:

"There is nothing inherently incompatible between the various broad categories of land uses when properly developed. Residential, commercial, industrial, and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity. The application of proper design principles among land uses will maximize the long term quality of life of Boone County residents. The future growth and the redevelopment of areas shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained to prevent potential deterioration."

The proposed regulations are also consistent with the goals of the various elements of the Comprehensive Plan.

ENVIRONMENT

Goal:

"New development or redevelopment of areas in Boone County are designed and implemented in such a way that the quality of the existing physical and social environment of Boone County is protected and enhanced."

POPULATION

Goal:

"The needs of Boone County's population base are accommodated through the provision of orderly growth."

HOUSING

Goal:

"Safe, decent, and sanitary housing exists for all Boone County residents."

ECONOMY

Goal:

"Boone County's economic base is maintained and continually improved."

AGRICULTURE

Goal:

"Appropriate land for agricultural uses is preserved."

BUSINESS ACTIVITY

Goal:

"Appropriate locations for industries or businesses compatible with others

located in Boone County are provided."

#### PUBLIC SERVICES AND FACILITIES

Goal:

"Adequate public services and facilities exist for all development."

#### RECREATION, OPEN SPACE AND HISTORIC SITES

Goal:

"Adequate recreation facilities and programs are provided, significant natural features and historic sites are preserved, and open space for public use is provided."

#### TRANSPORTATION

Goal:

"The level of service of the transportation system is maintained and improved, thus enhancing safety, addressing and resolving identified deficiencies, and promoting and responding to regional growth."

#### LAND USE (from 1985-1986 Comprehensive Plan)

Goal:

"To ensure quality development of the county's residential, commercial, industrial, recreational, and agricultural interests that (1) are adequately supported by required public facilities and services, (2) are located and designed according to acceptable standards, and (3) meet the current and future needs of county residents."

#### **Relationship to the Kentucky Revised Statutes (K.R.S.) Chapter 100**

In general, the 1988 Boone County Subdivision Regulations were written in conformance with the requirements of K.R.S. Chapter 100, which governs planning and zoning. Specifically, the proposed amendments to the regulations were drafted in accordance with K.R.S. 100.273, K.R.S. 100.277, and K.R.S. 100.281. The contents of the proposed subdivision regulations consist of a procedure for the submission and approval of a preliminary and final plat and the recordation of final plats; specifications for the contents and the format of all subdivision plats; requirements for the design of streets, blocks, lots, utilities, recreation areas, other facilities, hazardous areas and areas subject to flooding, specifications for the installation of physical improvements of streets, utilities and other facilities; and, the use of land for public purposes.

NOTE: THE PROPOSED CHANGES ARE UNDERLINED AND THE DASHED TEXT IS BEING PROPOSED TO BE DELETED FROM THE SUBDIVISION REGULATIONS AND STREET AND STORM DRAINAGE CONSTRUCTION SPECIFICATIONS.

## **ARTICLE 2 - Procedure for Subdivision Approval**

Minor changes are being proposed to the requirements for Preliminary Plat, Improvement Plan, Final Plat, Grading Plan and Conveyance Plat Review. These changes include requiring developers to resubmit revised plans to the appropriate legislative units, utilities and organizations. In Preliminary Plat Review, changes are proposed to show the location of cemeteries and the direction of stormwater and sanitary sewer flows. For Improvement Plan Review, a standard scale is being proposed along with a standard drawing size. The designation of surface drainage easements on the plan are also being proposed. In addition, all stormwater and sanitary sewer facilities shall be numbered to correspond with profile sheets. The design velocity of the stormwater flow shall also be required along with the maximum grade for any excavated slope. A final change to Improvement Plan Review involves additional requirements to control soil erosion.

The proposed changes to Final Plat Review and Conveyance Plat Review and Grading Plan Review include a standard size plat for final plats and survey information for side lot lines that are not radial with curved streets. A note was added to the requirements for Conveyance Plat Review and Final Plat Review about noise exposure and cemeteries. Finally, a change is being proposed involving the scale for conveyance plats and changing the street dedication requirements for Conveyance Plat Review. The proposed changes for Grading Plan Review include requirements for showing the location of existing cemeteries, the maximum grade of slopes and detailed measures for soil erosion.

## **ARTICLE 3 - Design Standards**

Article 3 describes the design standards for subdivision review. Proposed amendments to this Article include forwarding copies of revised plans with street name changes to the appropriate legislative body and redefining the requirements for private streets or roads. In Section 315, proposed changes include the requirement of a reference tie to the tangent line of a centerline curve for side lot lines that are not radial and the measurement of minimum frontages on cul-de-sac streets and on curved streets.

A major addition to this section involves meeting the specific requirements of the subdivision of land when a cemetery exists on a parcel. These requirements relate to building setback, security, maintenance and noting the proper location of an existing cemetery. Under the utility service section, there is a new requirement on the maximum angle of a sanitary sewer manhole and the location of a sanitary sewage treatment plant. In addition, there is a more defined procedure for utility work conducted in a public right-of-way.

In the Basic Design Criteria for a Storm Drainage System section, there are some additional requirements for minimum and maximum stormwater velocities. Finally, Section 340 is a major amendment. This section includes the provision for a Condominium Property Regime Plat.

**ARTICLE 4, 5 & 6 - Procedure for Inspection and Fees, Definitions Used in  
Subdivision Review and Certificates Used in Subdivision Review**

A minor change is being proposed to Article 4. This change relates to redefining the public works or building department for subdivision inspection. Article 5 consists of the definitions used in subdivision. Changes have been made to the words "cemetery", "engineer", "maintenance acceptance", and "public dedication." Finally, a change is being proposed in Article 6 in the Conveyance Plat Dedication Certificate.

The Street and Storm Drainage Construction Specifications are separate appendices to the Boone County Subdivision Regulations. The document entitled, Boone County Street & Storm Drainage Construction Specifications is being recommended for unincorporated Boone County, the City of Union and the City of Walton. Changes to this document relate to subgrade compaction, joint sealer, equipment operating on streets, pavement thickness, manholes and catch basins, fire hydrants and sidewalks. No changes are being proposed to the City of Florence, Water, Sewer and Street Specifications. Both sets of specifications are for the design of streets, sanitary sewers, storm sewers, erosion control features and site grading.

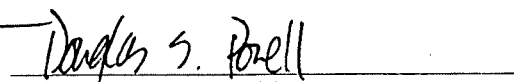
**CONCLUSION**

The proposed amendments to the 1988 Boone County Subdivision Regulations shall be evaluated to determine whether the document is consistent with the Goals and Objectives of the Boone County Comprehensive Plan. The proposed amendments are intended to support a "controlled future growth and development approach." They also seek to protect the natural environment and to encourage the efficient use of land resources, physical improvements and public facilities.

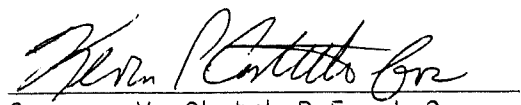
Respectfully submitted,



Kevin P. Costello, AICP  
Interim Director



Douglas S. Powell  
Transportation Planner



Gregory V. Sketch P.E., L.S.  
Engineer

KPC/GVS:kat

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #2  
May 23, 1990

Page 1

The Chairman introduced the second item on the Agenda:

2. Applicant: Boone County Planning Commission  
Request: Boone County Subdivisions/  
Street and Storm Drainage Construction Specifications

The request of the Boone County Planning Commission to hear presentations, comments and opinions on minor revisions to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications.

Interim Director, Kevin Costello, presented the Staff Report. He and Greg Sketch, Staff Engineer, reviewed the proposed changes to Sections 2, 3, 4, 5, and 6 of the Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications (see Staff Report and attachments).

Mr. DeLong questioned the reasoning for the comments regarding slopes on Page 2 - 10. #q) and Mr. Sketch advised that the limit provides for a more shallow slope, being more stable and resistant to erosion. He added that there is a type of soil more resistant to erosion, and if a geotechnical engineer approves it, then it could be approved.

Under Section 3, Mr. McMillian questioned when a cemetery is "active" and "non-active". Chairman Viox questioned how "passive" and "active" were being defined.

Counselor Wilson advised that this is defined to apply to family-type cemeteries and the concept of "active" is an analysis criteria to whether it is a private family cemetery or an active commercial type cemetery.

Mr. McMillian commented that there are family-type cemeteries that are inactive.

Mr. Costello agreed with Counselor Wilson's comments and added that if the determination is made that it is a private family cemetery, then you do not get into whether it is active or not.

The Chairman asked if there was anyone else present who wished to speak.

Mr. John Votel, President, Northern Kentucky Homebuilders Association, stated that the Homebuilders Association endorses all of the changes, except for two. Mr. Votel quoted from Page 3 - 13, #1. regarding cemeteries. He stated that if there is a cemetery found on a piece of property being developed, care is needed to maintain the cemetery. If a cemetery does not have a fence around it and does not have grave markers, then you define the cemetery as best you can and the 30-foot setback is a safety factor. It is required that an archaeologist define the site and, therefore, there should be a more realistic number than 30 feet. If a subdivision runs \$350 a front foot, considering both sides of the cemetery, that would be \$350 x 60 feet, which is about \$20,000. He noted that sideyard setbacks are 5 feet to 7 feet and questioned why the

dead require more setback than the living. He added that there should be one more drawing for standard headwalls that was not attached. They will make sure it comes from the Road Department and it should be part of the Street Specifications. He added that they would like to see the cemetery requirement go down to about 15 feet.


Historic Preservation Planner, Susan Enzweiler, stated that letters had been received from Mr. Don Clare, Chairman of the Boone County Historic Preservation Review Board; Mr. John Hildreth, Program Associate, National Trust for Historic Preservation; and Mr. David L. Morgan, Director of the Kentucky Heritage Council and State Historic Preservation Officer. She read the letter from Mr. Clare. The letters are on file in the Staff Office.

Ms. Enzweiler added that archaeology is not a precise science and in the future, if more accurate boundaries can be determined, then perhaps the 30 feet could be reduced. At this time, they believe the 30 feet to be appropriate.

On Page 2 - 13, m), Chairman Viox stated that it would be appropriate to include the Noise Exposure Map. Mr. Costello agreed.

There being no further comments, the Chairman stated that this item will be on the Agenda for the Business Meeting on June 6, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

June 6, 1990

8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:15 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett  
Mr. Lawrence Collins  
Mr. Rector Jones  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch noted that the Commissioners had received copies of the Minutes of the Business Meeting of May 16, 1990 and the Public Hearings of May 23 and May 30, 1990. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that they be approved as mailed. Mr. Owens seconded the motion and it carried unanimously.

3. Boone County Subdivision Regulations

The request of the Boone County Planning Commission on minor revisions to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications.

Mr. Costello read the Committee Report which recommended approval of the amendments to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications for incorporated and unincorporated Boone County based on the findings of fact, but subject to minor revisions (see Committee Report). He noted the attachments of the Airport Part 150 Study and the Homebuilders proposal regarding detailed drawing on headwalls, which will be inserted in the document.

Mr. McMillian moved by resolution that the request be approved based on the Committee Report. Mr. Greene seconded the motion and it carried unanimously.

4. Annexation Request by the City of Florence

The request of the City of Florence to determine the impact of annexation upon the current zoning of an 89-acre tract located north of Farmview Subdivision, Boone County, Kentucky. The site is owned by Paul Kahmann and residents in Pleasant Valley Acres Subdivision. The site is zoned Rural Suburban (RS) and Agricultural Estate (A-2).

Mr. Costello read the Committee Report which recommended that the annexation of the tract not affect the zoning (see Committee Report).

Mr. Kirby moved by resolution to the City of Florence that the Committee's recommendation be adopted. Mr. Owens seconded the motion and it carried unanimously.

5. Annexation Request by the City of Florence

The request of the City of Florence to determine the impact of annexation upon the current zoning of a 4.6-acre parcel located at 983 Burlington Pike, Boone County, Kentucky. The site is owned by Donald Conrad and is zoned Commercial Two (C-2).

Mr. Costello read the Committee Report which recommended that the current zoning not be changed as a result of the annexation (see Committee Report).

Mr. Sharp moved by resolution to the City of Florence that the Committee Report be approved. Mr. Burch seconded the motion and it carried unanimously.

**EXHIBIT "B"**

## COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: June 6, 1990

RE: Request of the Boone County Planning Commission Subdivision Regulations Update Committee to consider amendments or minor revisions to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications.

### REMARKS:

We, the Committee, recommend approval of the amendments to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications for Incorporated and Unincorporated Boone County, Kentucky based upon the following findings of fact and subject to the following minor additions.

### FINDINGS OF FACT

1. The amendments to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications for Incorporated and Unincorporated Boone County, Kentucky are consistent or in agreement with the 1986 Boone County Comprehensive Plan. The amendments in both documents are designed specifically to implement the Comprehensive Plan, which supports a "controlled future growth and development approach" in Boone County. This approach seeks the protection of the natural environment and efficient use of land resources, physical improvements, and public facilities.
2. The amendments in both documents support the previously approved Goals and Objectives of the 1990 Boone County Comprehensive Plan and the 1986 Boone County Comprehensive Plan, which states that "there is nothing inherently incompatible between various broad categories of land use. Residential, commercial, industrial, and institutional uses can coexist provided design principles are applied in developments to minimize frictions created by activities of whatever diversity." References to the Comprehensive Plan are made in the Staff Report.

The attached drawings were mentioned at the May 23, 1990, Public Hearing. These attachments or additions will be inserted in both documents. The noted attachments are a further refinement, correction, or clarification of the proposed amendments to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications.

### CONCLUSION

As stated previously, the Committee feels that the proposed text changes to the 1988 Boone County Subdivision Regulations and the Street and Storm Drainage Construction Specifications clarify the requirements and procedures of subdivision review as stated in K.R.S., Chapter 100.



Fred Burch, Chairman

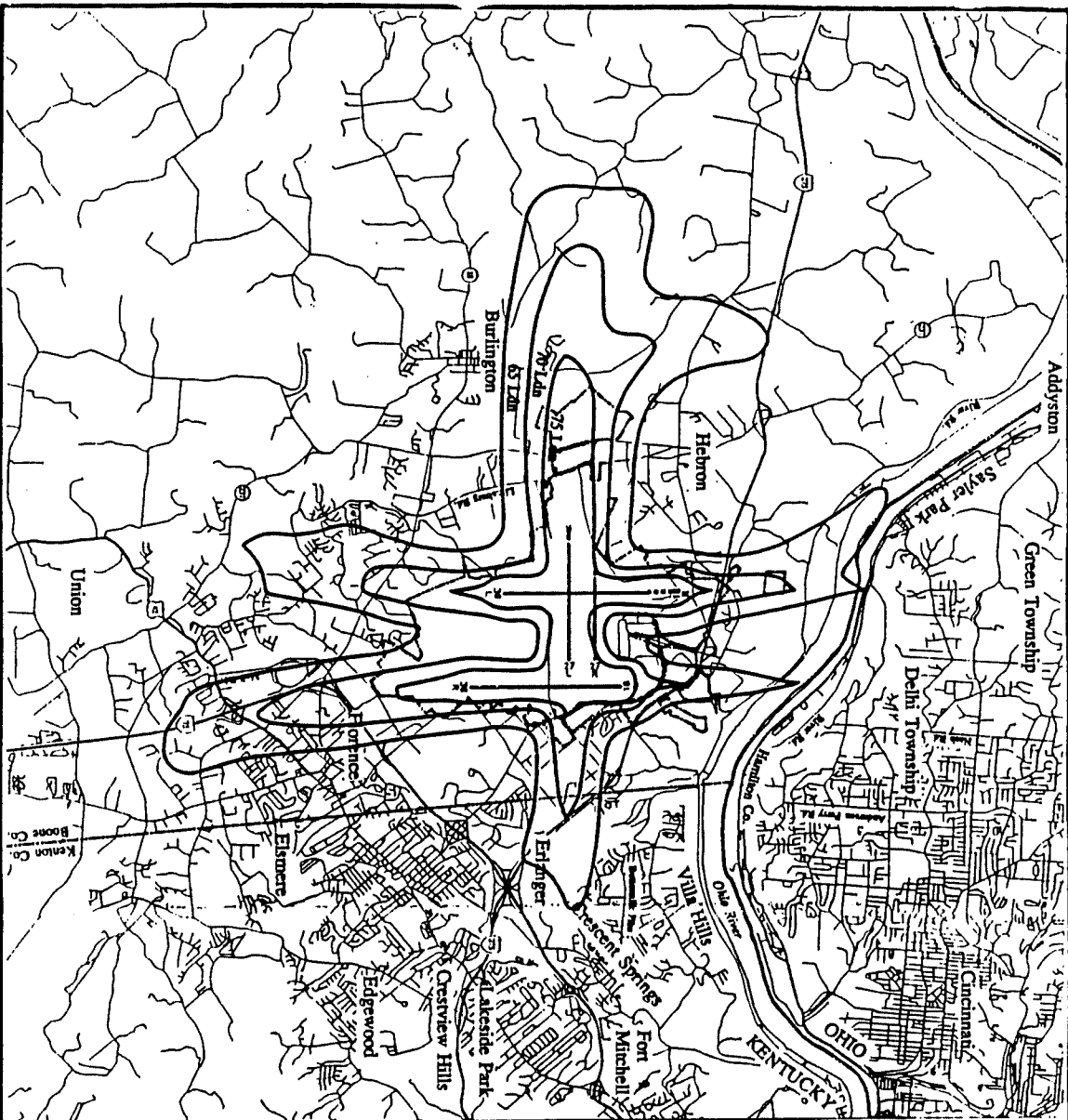
Melvin DeLong



Barry Neltner

Lawrence Collins

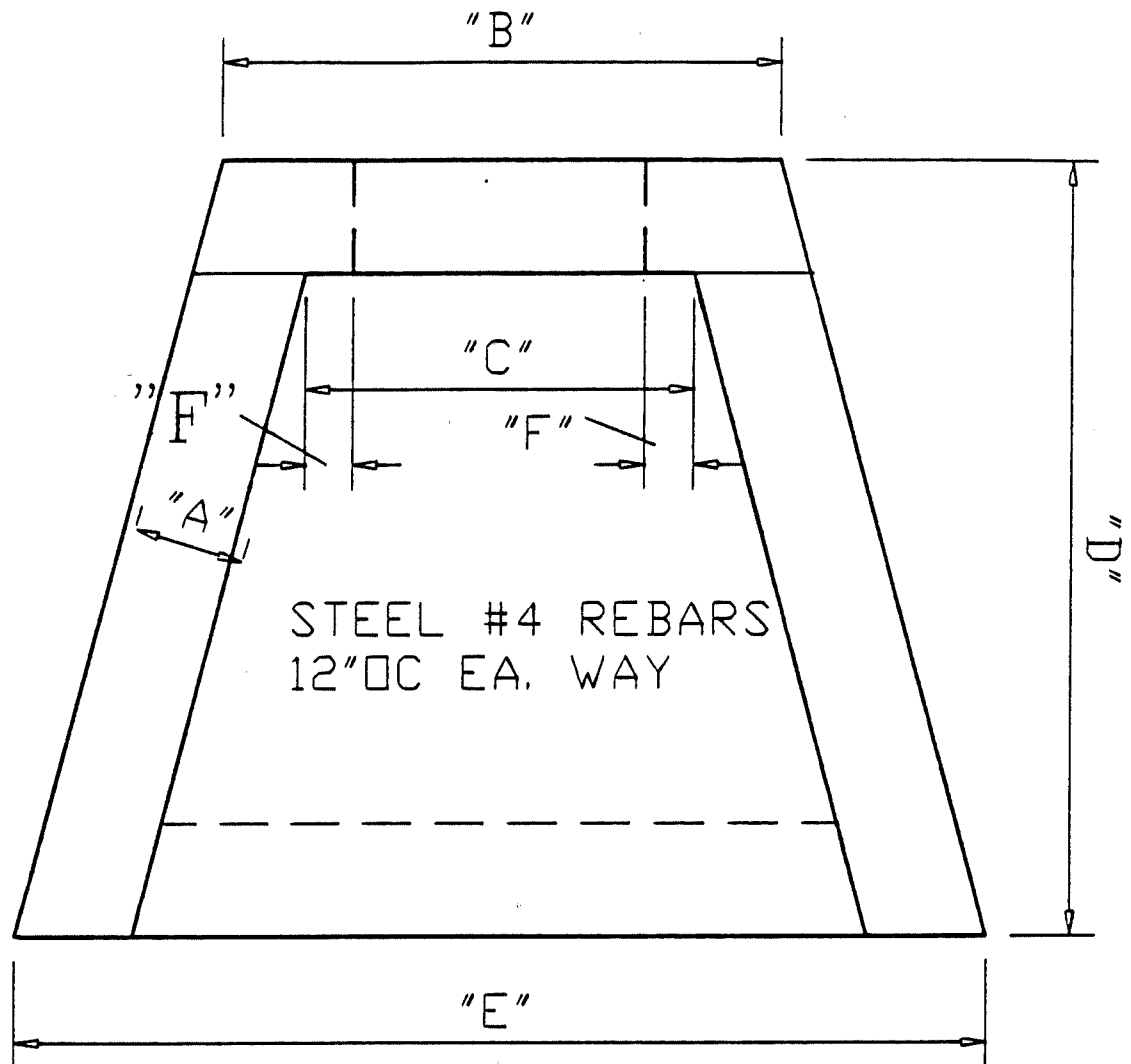
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— Airport Boundary  
 - - - - - County Boundary

**FUTURE (1994)  
 RECOMMENDED  
 NOISE EXPOSURE CONTOURS**

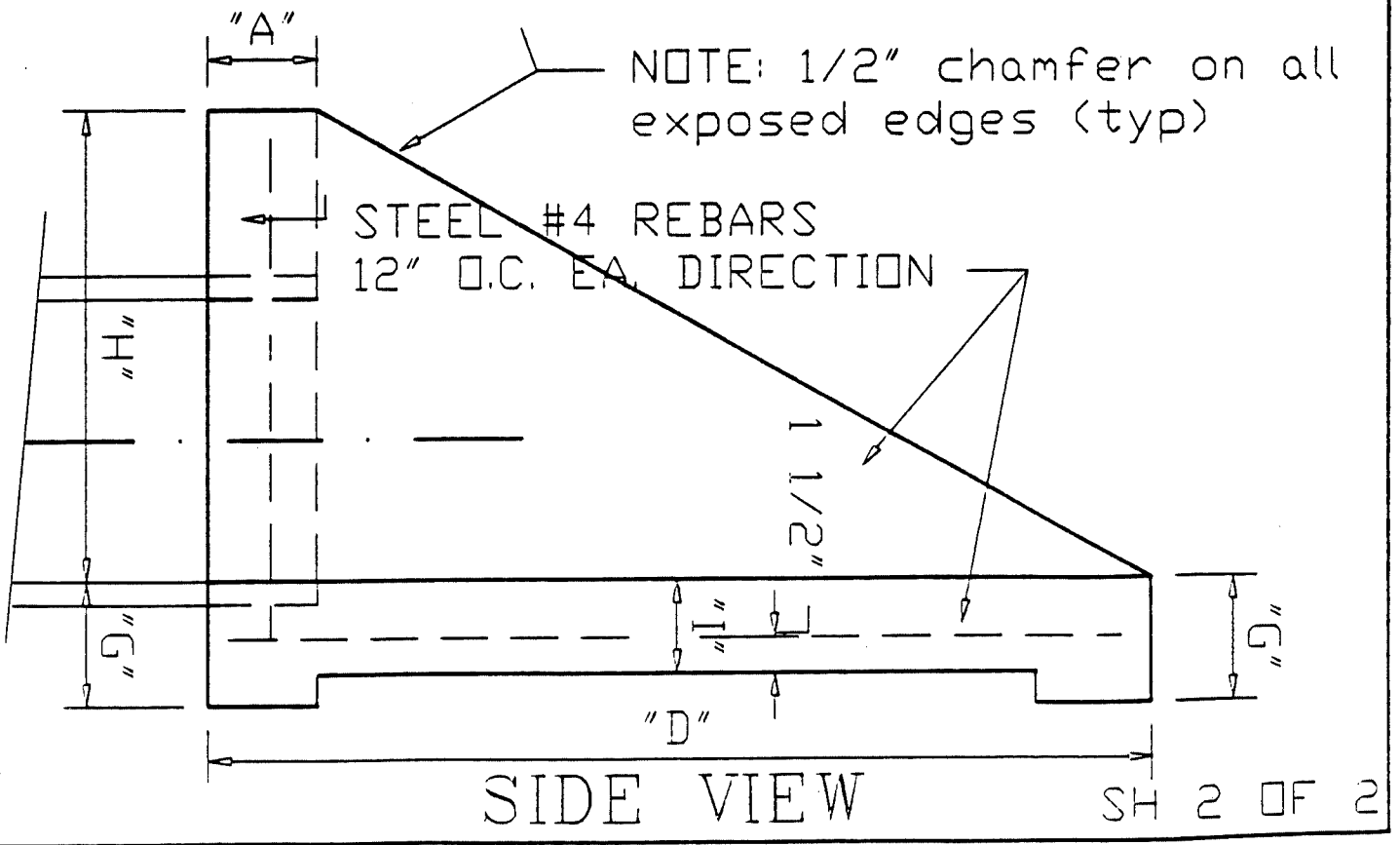
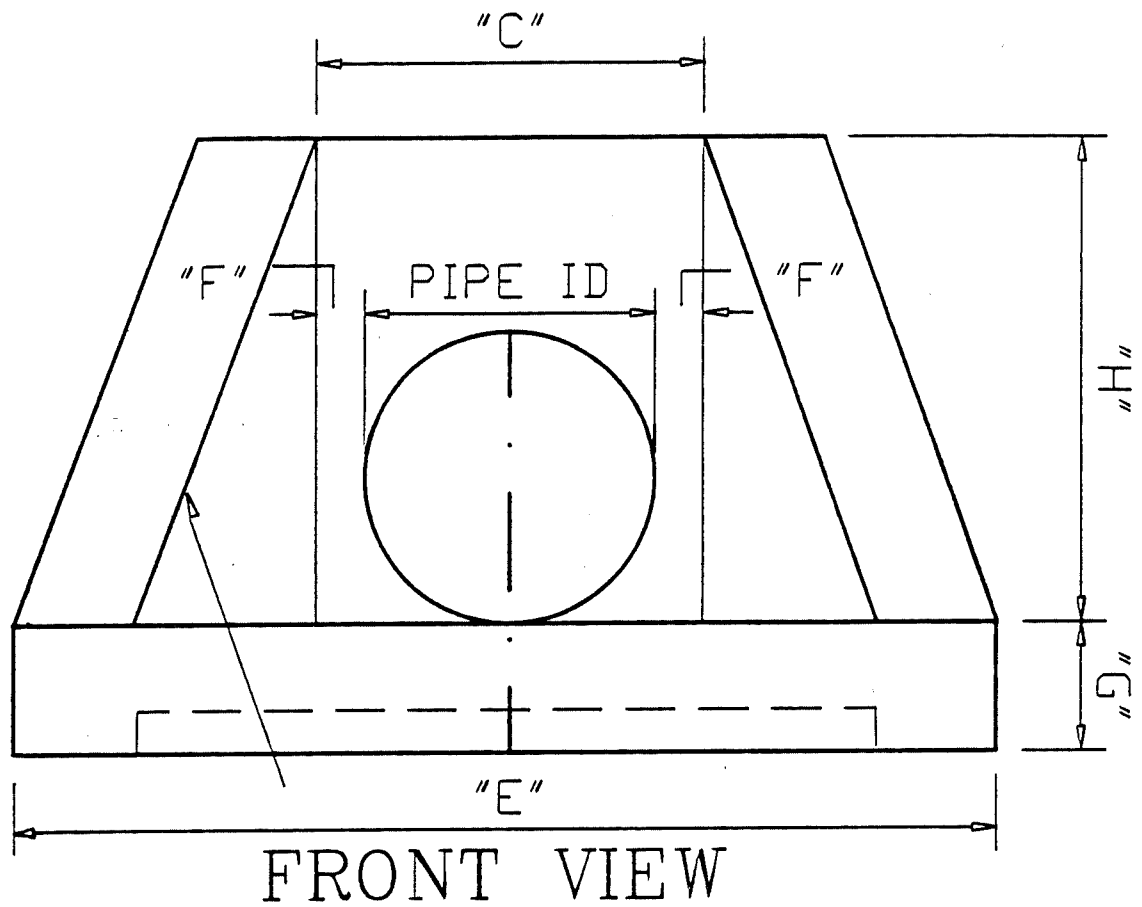
# Headwalls for 12" thru 36" I.D. PIPE



- A = 7"
- B = AS REQUIRED
- C = PIPE ID + 6"
- D = 2X PIPE ID OR 4' MINIMUM
- E = 2.5 X PIPE I.D. 5' MINIMUM
- F = 3"
- G = 8"
- H = PIPE I.D. + 12"
- I = 6"

PLAN VIEW

# Headwall for 12" thru 36" I.D. Pipe



~~Published 1 time in BCR  
Affidavit, please.~~  
Published 9-20-90

ORDINANCE 90-012

ORDINANCE ADOPTING RESOLUTION R-22-90 PASSED BY THE BOONE COUNTY PLANNING COMMISSION ON JUNE 6, 1990, PROVIDING FOR THE APPROVAL OF AMENDMENTS TO THE 1988 BOONE COUNTY SUBDIVISION REGULATIONS FOR BOONE COUNTY, KENTUCKY.

BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY:

SECTION I

In compliance with the requirement of Chapter 100 of the Kentucky Revised Statutes, the City of Union hereby adopts Resolution R-22-90, passed by the Boone County Planning Commission on June 6, 1990, said Resolution amends and revises the 1988 Boone County Subdivision Regulations which also serve as the Subdivision Regulations for the City of Union, Kentucky, a copy of said Resolution being attached hereto and marked Exhibit "A" and made a part hereof.

SECTION II

This Ordinance shall be in full force and effect when passed and published according to law.

PASSED AND APPROVED ON FIRST READING THIS 13TH DAY OF AUGUST, 1990.

PASSED AND APPROVED ON SECOND READING THIS 10TH DAY OF SEPTEMBER, 1990.

ATTEST:

  
WARREN S. MOORE, MAYOR

  
NANCY L. SELLERS, CITY CLERK