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## ARTICLE

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### SITE PLAN REVIEW

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#### SECTION 3000

##### Intent

The purpose of this article is to provide a procedure for the review of Site Plans of proposed developments which impact adjacent properties and public infrastructure. Further, this article is written for the benefit of a property owner or developer so as to meet the minimum design standards and requirements listed in this Zoning Order. This article includes references to all other pertinent articles related to the Site Plan Review procedure and requirements.

#### SECTION 3001

##### Authority

The purpose of Site Plan Review is to protect the public health, safety, and general welfare of Boone County. The provisions and requirements in this article are written in accordance with K.R.S. 100 and shall be administered to ensure orderly growth and development of Boone County. No building shall be erected or expanded, nor shall any grading take place or other site improvements occur, on any lot, site, or parcel for uses or in zoning districts where Site Plan Review is required except in accordance with the regulations in this Zoning Order and with the requirements stated in this article. All such Site Plans shall be reviewed by the Boone County Planning Commission and a determination either approving or rejecting such plans shall be made in accordance with the requirements of this article and other applicable articles of this order.

The Planning Commission shall not be given the power to impose any additional regulations not included in this Zoning Order with the exception of specific public or private improvements, such as stormwater, sanitary sewer water, and road construction as adopted by the appropriate legislative body of Boone County. The Planning Commission shall not be permitted to reject any Site Plan which is in full conformance with the requirements, terms and conditions of this article and Zoning Order. All approved Site Plans shall be binding upon the applicant, property owner, developer, or their successors and shall limit the development or project to the construction work as shown on the approved Site Plan and to all conditions and limitations for such plans agreed to by the applicants. Amendments or changes to the approved Site Plans shall be subject to the provisions of section 3008. Site Plan Review is required when specified by the individual zoning district, when the proposal is beyond the scope of a Zoning Permit as specified in Article 4, or when the scope of the proposal is within the definition of a Minor Site Plan or Major Site Plan as described in Section 3002.

#### SECTION 3002

##### Procedure

Prior to application for Site Plan Review and approval before the Planning Commission, each applicant, property owner, or developer is required to have a pre-application meeting with the Boone County Planning Commission's staff. This meeting shall occur within sixty (60) days of submitting the formal site plan application. The purpose of the pre-application meeting is to advise each applicant, property owner, or developer of the Site Plan Review procedure and requirements and to allow the applicant the opportunity to present a plan for building construction and/or site work. At such a meeting, the staff will be able to discuss

any initial concerns and omissions about the Site Plan that is being previewed. In addition, the results of the meeting will also permit the Zoning Administrator to determine whether the applicant, property owner, or developer will follow the **Minor Site Plan Review** procedure or the **Major Site Plan Review** procedure. Both types of procedures are described below.

**Minor Site Plan:** a Site Plan that involves no exterior utility construction (e.g., storm sewer, water, sanitary sewer, etc.), either no grading work or a minimal amount of grading work, no more than 12 parking spaces, no more than a 15% increase of the existing building square footage, no additional access points or curb cuts, loading areas that are less than 10,000 square feet, and does not involve the construction of a new building upon demolition of an existing building. Minor Site Plans are required for uses that are principally permitted and conditional. Minor Site Plans are reviewed by the Boone County Planning Commission's Staff.

**Major Site Plan:** a Site Plan that involves exterior utility construction (storm sewer, water, sanitary sewer, etc.), grading work, more than 12 parking spaces, more than a 15% increase in the existing building square footage, access points or curb cuts, a loading area in excess of 10,000 square feet, or construction of a new building regardless of size upon demolition of an existing building. Major Site Plans are required for uses principally permitted and conditional. Major Site Plans are reviewed by the Project Review Committee and other outside agencies in addition to the Boone County Planning Commission's Staff.

Accessory structures which are not required to obtain a Building Permit are subject only to the Zoning Permit procedure. For proposed retaining walls, a Zoning Permit or Minor Site Plan application as applicable is required if the wall is 4 feet or less in height, will not change the overall grading and/or drainage design of the site, is not a substantive structural component of a grade, and will not result in property damage if the wall fails. When the scope of work is limited to a retaining wall that is merely a decorative component of a landscape design, then no approval by the Planning Commission is required. A Major Site Plan application, or Grading Plan application per the Boone County Subdivision Regulations if applicable, is required if a proposed retaining wall is greater than 4 feet in height, will change the overall grading and/or drainage design of the site, is a substantive structural component of a grade, or would potentially cause property damage if the wall fails.

## **SECTION 3003**

### **Application and Approval**

An applicant, property owner, or developer is required to file an application, five copies of a Site Plan and a fee in the offices of the Boone County Planning Commission. Action in the form of approval or denial of a Minor Site Plan is by the Planning Commission's Staff only and shall occur within 10 working days of when the plan is officially submitted to the Boone County Planning Commission's office in complete form. Appeal of the Staff denial of a Minor Site Plan is possible before the Technical Committee at its next regularly scheduled meeting after written notification is made by the applicant to the Zoning Administrator within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Minor Site Plan shall be made by the Technical Committee and shall occur within thirty (30) days of the date when the written notification of appeal was filed.

Action in the form of approval or denial of a Major Site Plan is by the Planning Commission's Staff only, in consultation with the Project Review Committee, and shall occur within 30 calendar days of when the Site Plan is submitted to the Boone County Planning Commission's office in complete form. Upon approval of a site plan application, a Certificate of Land Use Restriction that specifies "site plan approval and improvements" shall be recorded for the real property in question as specified in Section 280.

Appeal of the Staff denial of a Major Site Plan is possible before the full Planning Commission, upon the recommendation of the Technical Committee, at its next regularly scheduled Business Meeting after written notification is made by the applicant to the Zoning Administrator within thirty (30) calendar days of the Staff denial. Final action for approval or denial on the appeal of a Major Site Plan shall be made by the full Planning Commission and shall occur within thirty (30) days of the date when the written notification of appeal was filed. In addition, all time limits for both types of reviews can be extended only by mutual agreement by the Planning Commission and the applicant, property owner or developer. Finally, reasons for denial of a Minor Site Plan and Major Site Plan by the Planning Commission shall be given to the applicant in written form.

Any waiver of a Site Plan requirement, exclusive of dimensional requirements, can only be issued by the Zoning Administrator. Such a waiver may be granted due to unusual or extreme circumstances inherent in the project site and if the use and the requested waiver does not adversely affect existing drainage, traffic circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other Site Plan requirements.

#### **SECTION 3004**

##### **Site Plan Requirements**

All minor Site Plans submitted to the Boone County Planning Commission shall be in accordance with this article and shall contain the following information:

1. Dimensions of the site or lot;
2. Location and width of all public and private streets, driveways, and other vehicular circulation areas;
3. Location of all existing and proposed structures;
4. The proposed use at the site;
5. Square footage, footprint dimensions, and height of proposed building or addition, and required building setbacks;
6. Location of all existing water, sanitary sewer, storm sewer, electric and cable television lines, easements and poles;
7. Location of any proposed parking spaces and dimensions and access points;
8. Statement pertaining to "no grading or utility construction necessary for construction of building addition or site work;"
9. A copy of the approved Demolition Permit if the proposal includes demolition work.
10. An electronic copy of the site plan (e-mail, CD, etc.) if the plan was computer generated.

All Major Site Plans submitted to the Boone County Planning Commission in accordance with this article shall contain the following information:

1. Project name, date, north arrow, location map (a map which clearly shows the location of the property in respect to existing road and landmark);
2. A scale not smaller than 1 inch equals 100 feet;
3. A stamp or seal of a Kentucky registered professional engineer, architect, landscape architect or land surveyor; the scope of work performed by such professionals in conjunction with a site plan submission

is limited to that permitted by their respective licensing authorities. If grading and/or storm sewer construction work are being proposed, a Kentucky registered professional engineer shall be required to submit grading information and design the appropriate stormwater system. A stamp or seal of a Kentucky registered professional engineer is required for grading and stormwater construction work;

4. The present zoning of the subject property and all adjacent properties;
5. All existing and proposed public and private right-of-ways and streets;
6. All abandoned streets;
7. Existing and proposed finished topography of the subject property shown by contours with intervals not to exceed 5 feet. If necessary, the Boone County Planning Commission may request a geotechnical report of a specific site;
8. Location of existing and proposed structures on the property with each existing and proposed use noted. Height of proposed structures;
9. Dimensions of each lot or property boundaries;
10. Proposed housing units proposed on the property depicting location, arrangements, height, number or units in each building, and where applicable, location and dimensions of all lots;
11. Location and arrangement of all common open space areas and recreational facilities;
12. Location size and type of all landscaping features (e.g. berms, walls fences, planting material), including: a landscape schedule that specifies plant species, number of plants per species, plant size at installation, and mature plant size; total square footage of the Vehicular Use Area (VUA), the total square footage required to be landscaped and the total landscaped area provided; and, existing trees which are to be retained including temporary fenced or taped areas which will be used to protect the trees during site disturbance (See Article 36 ).
13. Location, orientation, lighting, materials, size, and height of signs (See Article 34);
14. Location of all existing and proposed utility lines and easements (each line should be labeled existing or proposed);
  - a. Water distribution systems, including line size, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;
  - b. Sanitary sewer system, including pipe sizes, width of easements, gradients, types of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;
  - c. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of detention or retention and/or sedimentation basins, and data indicating the quality of stormwater entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of stormwater generated by development of the subject area, and the quantity of stormwater to be discharged at various points to areas outside the subject property. Show location of all detention/retention ponds (See Article 31 for Design Standards);
  - d. Other utilities (e.g., electric, telephone, etc.), including the type of service and the width of easements, if information is available;

NOTE: It is advised that each applicant contact the appropriate legislative unit to determine the necessary storm sewer, water, and sanitary sewer requirements.

15. Location of all off-street parking, loading and/or unloading and driveway areas, the type of surfacing, dimensions, and the number and arrangement of off-street parking and loading and/or unloading spaces (See Article 33);

- a. the type of surfacing;
- b. width and depth of parking stalls, including disabled stalls;
- c. driveway angle width;
- d. traffic flow areas for one way traffic;
- e. angle of parking used;
- f. number of parking spaces and loading spaces;

16. Circulation system details that include the following:

- a. Pedestrian walkways, including alignment, grades, type of surfacing, and width;

NOTE: For public sidewalk requirements, see Article 31 of the Boone County Zoning Regulations and Article 3 of the Boone County Subdivision Regulations.

- b. Streets, including alignment, grades, type of surfacing, width of pavement, and right-of-way and whether public or private;
- c. Provisions for access management, which may include, but are not limited to:
  - a frontage road (public or private);
  - coordination of curb cuts;
  - curb cut connections accessible to adjoining properties;
- d. Location of all above ground and underground storage tanks;
- e. Location of dumpsters;
- f. Location of outdoor storage areas.

17. Construction or installation details for the following:

- a. paving, curbing, and sidewalk sections;
- b. wheelchair ramps and/or curbs;
- c. on-site traffic/vehicular regulatory signs, including disabled parking stall signage;
- d. curbcuts;
- e. garbage storage area enclosure or screening;
- f. site lighting fixtures;

18. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction. A Best Management Practice document shall be provided for developments over one acre in size. Show all affected or disturbed areas during construction on or within close proximity of the site (i.e., excavation, fill or storage);
19. If the proposed site was part of a zone change request, submit a copy of the approved concept development plan, or show the relationship of the location of the proposed structure(s) to the approved zone change request;
20. Each applicant shall be required to submit traffic information estimating at a minimum peak hour traffic entering and exiting the site under review. This information shall be used by the Planning Commission in determining the location of curb cuts or any additional traffic management controls on each site. When appropriate, a Traffic Impact Assessment may be required to (See Article 32) be submitted for review by the Boone County Planning Commission;
21. Architectural information including the location of man doors and overhead doors shown on the site plan and the height of all structures noted on the site plan. Architectural elevations and renderings which illustrate the overall external building design, and materials and colors to be used in the building design, shall be provided for sites within the Houston-Donaldson Study Corridor Overlay District (refer to the Houston-Donaldson Study), or proposals that are subject to other design review requirements, such as conditions of zone change or Concept Development Plan approval;
22. Location of existing recorded or unrecorded cemeteries, buildings listed on the National Register or archaeological sites (See Article 31);
23. Location of parking lot and driveway lights and their illumination on the project site and adjoining properties (See Design Standards in Article 31).
24. A copy of the approved Demolition Permit if the proposal includes demolition work.
25. An electronic copy of the site plan (e-mail, CD, etc.) if the plan was computer generated.
26. For a proposed Sexually Oriented Business, the applicant shall submit a drawing based upon an accurate scale demonstrating compliance with the standards outlined in Section 3198 of these regulations.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

For property to be developed in sections or phases, detailed Site Plans containing the above information need not be submitted for the entire property. Plans conforming to these criteria should be submitted for the section or phase to be developed along with conceptual or schematic plans for the entire property in order to show the relationship of the relevant section not the entire development plan.

## **SECTION 3005**

### **Expiration and Extension of Approval Period**

The approval of a Site Plan shall be for a period not to exceed two years. If no grading work or building construction has begun within two years after approval is granted, the approved Site Plan will be void. One one (1) year extension of an approved Site Plan may be granted upon request to the Planning Commission prior to the two year expiration date.

**SECTION 3006**

**Completion of Site Plan Construction Work and Requirements**

All requirements of the approved Site Plan must be completed within six months of building occupancy unless an extension is granted by the Zoning Administrator upon request. Completed site construction work will be inspected by the Planning Commission's Zoning Inspector when the applicant receives a certificate of building occupancy and thereafter if necessary. If no building construction is being proposed, all site construction work if begun, is to be completed within six months. A copy of the approved Site Plan shall be retained on the job site until all site improvements have been completed and have been accepted by the Boone County Planning Commission.

**SECTION 3007**

**Approval of Site Plans by the Boone County Planning Commission**

Property involving a conditional use and/or a variance shall be subject to the Boone County Planning Commission Site Plan review and approval if required by an individual zoning district.

**SECTION 3008**

**Changes or Amendments**

The Zoning Administrator, in reviewing a Site Plan, may authorize minor adjustments from the approved Site Plan, provided that the adjustments do not: affect the special relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this zoning order. Any amendments to plans, except for the minor adjustments which may be permitted by the Zoning Administrator as noted above, shall be made in accordance with the procedure required by this zoning order, subject to the same limitations and requirements as those under which such plans were originally approved. Such review of changes shall involve submittal of application and a review fee.