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## ARTICLE

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## PURPOSE AND AUTHORITY

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### SECTION 100

#### Title

These regulations shall be known as the Boone County Subdivision Regulations and once adopted by the Boone County Planning Commission shall remain in effect for the incorporated and unincorporated limits in Boone County. These limits include the City of Florence, City of Walton, City of Union, and unincorporated Boone County.

### SECTION 110

#### Provisions Declared to be Minimum Standards

In their interpretation and application, the provisions of these regulations shall be held to be minimum acceptable standards or requirements, adopted for the promotion of the public health, safety, and general welfare. Whenever the requirements of these regulations conflict with the requirement of any other lawfully adopted rules, regulations, ordinances, orders or resolutions, the most restrictive, or that imposing the higher standards shall govern.

### SECTION 120

#### Severability Clause

Should any section, subsection, clause, part, or provision of these regulations be declared by a court of competent jurisdiction to be unconstitutional or invalid, such invalidity shall not affect any other section, subsection, clause, part of provision of these regulations as they are severable and shall continue to have full force and effect.

### SECTION 130

#### Repeal of Conflicting Regulations or Ordinances, Effective Date

All regulations or ordinances, or parts of regulations or ordinances in conflict with or inconsistent with the provisions of their regulations, specifically including the Boone County Subdivision Regulations dated November 2010 are hereby repealed to the extent necessary to give these regulations full force and effect. These regulations shall become effective from and after the date of their approval and adoption as provided by law.

## **SECTION 140**

### **Purpose and Authority**

These Subdivision Regulations as herein set forth, have been prepared in accordance with the adopted Boone County Comprehensive Plan to promote the public health, safety, and general welfare of the county; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces for vehicular and pedestrian traffic, utilities, access of police and fire fighting apparatus, recreation, light and air, and the avoidance of congestion of the population, and to facilitate the orderly and efficient layout and appropriate use of the land. These regulations are adopted in accordance with the Kentucky Revised Statutes - Chapter 100.

## **SECTION 145**

### **Planning Commission Approval Required for Subdivision of Land**

The Boone County Subdivision Regulations sets forth a procedure for Planning Commission approval for the subdivision of land. This procedure is stated in K.R.S. 100.277.

- (1) All subdivision of land shall receive commission approval.
- (2) No person or his agent shall subdivide any land before securing the approval of the planning commission of a plat designating the areas to be subdivided, and no plat of a subdivision of land within the planning unit jurisdiction shall be recorded by the county clerk until the plat has been approved by the commission and the approval entered thereon in writing by the chairman, secretary, or other duly authorized officer of the commission.
- (3) No person owning land composing a subdivision, or his agent, shall transfer or sell any lot or parcel of land located within a subdivision by reference to, or by exhibition, or by any other use of a plat of such subdivision, before such plat has received final approval of the planning commission and has been recorded. Any such instrument of transfer or sale shall be void and shall not be subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission, but all rights of such purchaser to damages are hereby preserved. The description of such lot or parcel by metes and bounds in any contract or instrument of transfer or other document used in the process of selling or transferring same shall not exempt the person attempting to transfer from penalties provided or deprive the purchaser of any rights of remedies he may otherwise have. Provided, however, any person or his agent, may agree to sell any lot or parcel of land located within a subdivision by reference to an unapproved or unrecorded plat or by reference to a metes and bounds description of such lot and any such executory contract of sale or option to purchase may be recorded and shall be valid and enforceable so long as the subdivision of land contemplated therein is lawful and the subdivision plat subsequently receives final approval of the planning commission.
- (4) Any street or other public ground which has been dedicated shall not be accepted for maintenance by the legislative body until it has received final plat approval by the planning commission. Any street that has been built in accordance with specific standards set forth in subdivision regulations or by ordinance shall be, by operation of law, automatically accepted for maintenance by a legislative body forty-five (45) days after inspection and final approval.

- (5) Any instrument of transfer, sale or contract that would otherwise have been void under this section and under any of its subsections previously, is deemed not to have been void, but merely not subject to be recorded unless the subdivision plat subsequently receives final approval of the planning commission.

## **SECTION 150**

### **Administration**

The Zoning Administrator's authority and responsibilities generally include the following with respect to administering the Boone County Subdivision Regulations. The Zoning Administrator is designated pursuant to Article 2 of the Boone County Zoning Regulations.

- a) Upon finding that any of the provisions of this order are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action(s) necessary to correct such violation.
- b) Order, in writing, discontinuance of any illegal work being done, and take any other action authorized by law to ensure compliance with or to prevent violation(s) of these regulations.
- c) Interpret the Boone County Subdivision Regulations, including the determination of review processes, plat requirements, and the applicability and substance of design standards, based on interpretation of the stated and implied requirements of the subdivision regulations.
- d) The Zoning Administrator may delegate any portion or portions of his duties to a Zoning Enforcement Officer. The Zoning Enforcement Officer shall carry out duties assigned by the Zoning Administrator. Such recommended duties may include, but are not limited to: site inspections regarding complaints of violations of these regulations; site inspections of development for compliance with plans approved pursuant to these regulations that are not otherwise inspected by the applicable legislative body; issuance of "Notice of Violations" citations; review of development plans and plats for compliance with the rules, regulations and standards of these regulations.

The Planning Commission's authority and responsibilities generally include the following with respect to governing the Boone County Subdivision Regulations.

- a) Review, process, and approve all plans or plats as described in these regulations.
- b) Receive and distribute fees collected as a result of subdivision review of various plats and plans and inspection services.
- c) Distribute copies of approved plans and plats to various governmental bodies, agencies, including but not limited to public works or public service departments, building department, water and sewer districts, property valuation administrator's office, county clerk's office, and utility companies.
- d) Delegate any tasks as specified in these regulations relative to its administration.

The legislative bodies authority and responsibilities generally include the following with respect to governing the Boone County Subdivision Regulations.

- a) Perform on-site construction inspections of public improvements in accordance with the approved plans, plats, or drawings.
- b) Assure that all public improvements inspected are complete and have been constructed in accordance with the approved plans, plats, or drawings.
- c) Receive or hold guarantees and bonds for proper installation of public improvements as described in Section 415 of these regulations.
- d) Take action on acceptance for maintenance of public improvements as delineated on final plats approved by the Boone County Planning Commission and formally requested by the subdivider, developer or owner of the proposed subdivision.

## **SECTION 155**

### **Waiver of Subdivision Regulations**

Upon request to the designated Zoning Administrator, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request. The Zoning Administrator shall review the individual request and grant a waiver under unusual or extreme circumstances, while still meeting the purpose and authority sections of this document. The Zoning Administrator shall also inform the Planning Commission on a regular basis the results of all waiver requests.

## **SECTION 160**

### **Appeals**

Any person or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision by the Zoning Administrator or the Boone County Planning Commission's Staff relative to the administration of these regulations may appeal such decision to the Board of Adjustment and Zoning Appeals within thirty (30) days. Such appeal shall follow the procedures and notice requirements for an appeal of the Zoning Administrator's decision as stated in Article 2 of the Boone County Zoning Regulations.