

# CHAPTER VII

## APPROVAL PROCESS

## A. INTRODUCTION

The intent of the Code is to provide a set of regulations that everyone can agree to, that is easy to use, and that produces a built environment that achieves the goals of the County's Plan and citizens. Because this Code are prescriptive rather than proscriptive - they state what is desired instead of what is not wanted - buildings and developments that meet the criteria can be permitted automatically. The County staff can then facilitate good design and development in an integrated process, where all of the necessary approvals and reviews can occur simultaneously. The adoption of the recommended Code entails a reworking of the current approval process. The following sections put forth some recommendations for a by-right system for two different processes, the *building permit process* and the *development plan process*.

A "by-right" process is the process of permitting that can proceed without any change in zoning or special approval. It is the "normal course of business." The intent of the Code is that most development should occur *by-right*; since the Code is written to reflect the goals of the adopted Plan and those of the citizenry, development under the new Code should cause less controversy than development under the current system.

## B. BUILDING PERMIT APPROVAL PROCESS

This section will compare the current building permit approval process with recommendations for utilizing the Code.

### 1. *Current Process*

Under the current regulations (Section 301.3 of the Zoning Ordinance), a building permit is required for the erection or moving of, or alteration or addition to any structure in the City of Versailles, City of Midway, and in the County. All applications for a building permit must include the following:

- (a) Completed application form
- (b) Site plan or lot layout
- (c) Floor plans of proposed structure
- (d) Building elevations
- (e) "Any other information deemed necessary"

More information required regarding the site plan or lot layout is also specified and is grouped into three general categories:

- (a) Identification of Lot and Proof of Services
- (b) Dimensions and Character of Structures
- (c) Environmental Effects

It is the second category with which the new Code is most concerned. Related to this second category, the information items that must be submitted now are:

**For a single family or two family dwelling and accessory buildings:**

- Lot layout drawn to scale showing location and dimension of any existing or proposed principal or accessory buildings on the lot

- Location and dimension of all required yards and easements
- Height of the building
- Location and dimension of required parking on the site

**For all other buildings:**

- Ingress and egress to the property
- Off-street parking and loading facilities, and other paving
- Refuse and service areas and structures
- Proposed sign locations
- Existing and intended use of each building or part of the building including the number of existing and proposed dwelling units

It is evident that the current process requires a great degree of detailed information in order to obtain a permit. However, the standards inherent in the regulations are mostly restrictions that deal with safety, potential nuisances, and the accommodation of vehicles. The new Code recommends specific standards that, in addition to safety, privacy and uses, work together to shape individual buildings into a neighborhood.

## **2. *New Code Recommendations***

As mentioned above, there are three general categories of information that are part of any building permit submission. The recommendations here will not deal with changes to the requirements for "identification of lot and proof of services," nor will the Codes recommend additional requirements for "environmental effects." It is recommended that the County examine these two categories at some point to determine what improvements could be made to achieve the County's goals of responsible growth. All other sections under Article III of the Zoning Ordinance except for Section 301.3 could remain unchanged.

The existing Ordinance recommends that all structures meet certain minimum criteria, whether the structure is a single family or two family dwelling, an accessory building, commercial building or public building. In addition to safety codes and ownership certification, the new Code enhances the current basic requirements by adding specific dimensions as standards for compliance. These Standards govern:

- (a) Placement on the lot (including setbacks, easements and yard dimensions)
- (b) General massing (including height)
- (c) Roof pitches
- (d) Porch dimensions
- (e) General materials
- (f) Proportions, window spacing, column spacing, and other details of residence and accessory buildings, provided in a basic architectural drawing or house plan.
- (g) The preservation of vegetation and significant trees, if applicable, and the relation of the lot vegetation to existing trees on the street.

The request for information is basically the same under the current and proposed systems. The difference is that the Code gives standards which achieve a particular building form based on local tradition and foster the shaping of public space by these private buildings.

The basic process recommended to obtain a building permit is a three-step process:

- (a) Pre-Design Meeting
- (b) Pre-Construction Review
- (c) Final Construction Approval

#### **Pre-Design Meeting**

The builder or property owner meets with County staff to discuss his or her intentions for the proposed development. The applicant may bring a basic sketch plan and specifications for the building. This meeting is to assist the builder or owner and identify potential issues regarding compliance with the Code.

#### **Pre-Construction Review**

The builder or property owner submits all required information for the County to review. All compliance issues are resolved, or requests for any variances are submitted at this point to achieve specific design goals.

#### **Final Construction Approval**

The builder or property owner submits all required information in a format ready for final approval and recording. All other approvals for services and variances must be incorporated into the final design and submittal.

Some of the houses in Woodford County may be model home designs built by “production builders.” Each of these designs must go through the entire process outlined above. However, once a model is approved, it may be used again using an abbreviated process. If a pre-approved model house design is used, the builder or owner may go through a simplified process that concentrates on building placement and not on architectural standards.

### **C. DEVELOPMENT PLAN APPROVAL PROCESS**

Development permits are issued in the County as subdivisions, development plans, and conditional use permits. This section will outline the current requirements for each of these processes, and then recommend a new process to implement the Code. Since development is occurring at a level with greater potential for impact than a single building, greater degrees of design are necessary.

#### **Subdivision Approval Process**

##### **1. Current Process**

The subdivision process is used to create additional lots from a single property. This process is triggered when three or more lots are created. Subdivision regulations are designed to encourage coordinated development according to sound practices for the general health, safety and welfare of the County’s citizens. The current procedure for subdividing property includes three steps:

- (a) Advisory meeting with Planning Commission
- (b) Preliminary Plat review and approval
- (c) Final Plat review and approval

These three steps are outlined as follows:

*Step One: Advisory Meeting with Planning Commission*

The purpose of this meeting is to give the subdivider assistance from the County before spending too much time or money on the proposed project. For this review, the subdivider presents a Sketch Plan that shows the following information:

- Location and tract boundaries
- Rough street and lot layout
- Other information concerning pertinent physical features
- Availability of utilities
- Existing zoning
- Recreational areas
- Development phasing schedule

*Step Two: Preliminary Plat Review*

All subdivision plats must receive preliminary approval before any work may proceed. The Preliminary Plat shall show or be accompanied by the following information regarding site analysis (not including basic identification information):

- Vicinity sketch map indicating location with respect to surrounding property and streets and all streets or alleys or dirt roads on or within 500 feet of subdivision.
- Zoning classification and any need for rezoning.
- Copies of Deed restrictions.
- Subdivision boundaries, all existing easements, rights-of-way, parks and other public open space.
- All existing pertinent features either natural or man-made that may influence the design of the subdivision, such as water courses, tree groves, swamps, rock outcrops, outstanding natural topographic features, power transmission towers, scenic or historic areas, existing buildings, sewers, water mains, culverts, utility lines and fire hydrants.
- Existing topography at two, five or ten foot contour intervals, depending on location.
- If individual wells or septic tanks are proposed, sub-surface conditions, including location and results of tests made to ascertain soil, rock and groundwater conditions, must be shown.
- Layout of all proposed and existing lots with dimensions for each lot, proposed uses and setbacks for each lot, and location of each building and driveway when known.
- Locations, widths, grades and names of proposed streets and alleys.
- Cross-sections of each new street, showing width and type of pavement, and the size and type of gutters, sidewalks and utility lines.
- Location of new and proposed monuments.
- Location and dimensions of all property to be dedicated or reserved for public use or for easements.
- Proposed public improvements, parks, streets or other major improvements shown on Comprehensive Plan.
- Proposed provision of public infrastructure and services, drainage, street trees, lighting, signs, sidewalks and other improvements.
- Proposed drainage system.
- Proposed location of trees and groves to be retained, for subdivisions of 10 or more lots.

### *Step Three: Final Plat Review*

The Final Plat Review process ensures that the subdivider has met all the County requirements and is ready to receive final approval to commence work. In addition to information regarding identification, location and legal certification, the Final Plat Review must include regarding site design:

- Exact layout of subdivision, including streets, alleys, easements, rights-of-way, and lot lines.
- Lots and blocks numbered and lettered.
- Area of each lot.
- Setback lines.
- Public and open spaces drawn and identified.
- Profiles and cross-sections of all streets, with sidewalks, curbs and gutters if appropriate.
- Location of all utilities.

## **2. *New Code Recommendations***

The current subdivision process is fairly typical of most counties, and may require only minor changes in order to implement the new Code and to be improved in general. As with the building permit process, the Code adds standards to the County's requirements that demand more attention paid to the relationship of the lots to each other and to public space created near the lots.

It is recommended that the same basic kind of process be utilized for the new Code, including the threshold of three or more lots to trigger the subdivision process. The adoption of the Building Placement Standards will simply add different standards to follow.

## **Development Plan Approval Process**

### **1. *Current Process***

Development plans are required when the property owner wishes to rezone his/her property. Also, development plans are required for any development that occurs in the following zoning districts:

- R-4 High Density Residential District
- B-3 Planned Shopping Center District
- B-4 Highway Business District
- B-5 Highway Interchange Service District
- Planned Unit Developments
- Both Industrial Districts (I-1 and I-2)
- Mobile Home Districts
- Any development with more than one principal structure on a lot.

Currently, the Zoning Ordinance specifies two phases of review: a Conceptual Plan Approval and a Final Plan Approval. For the Conceptual Plan, the developer must submit the following information:

- Conservation of natural resources, including trees, slopes, water courses, soils, air, scenic views and historic sites.
- Provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community.

- Compatibility of the overall site design and land uses with the existing and projected future development of the area.
- Provision of sufficient open space (scenic and recreation).
- Provision of adequate drainage facilities.
- Conformance of development plan with the Comprehensive Plan and Zoning District regulations.

The Final Plan Approval process includes the submittal of a significant amount of information that shall not be listed here (see Section 503.3.D of the Zoning Ordinance). This information thoroughly details the information required for the Conceptual Plan approval, and the County has a fair amount of discretion to ask for additional information.

## **2. *New Code Recommendations***

The Zoning Ordinance has two basic categories of zones/districts:

- Districts specifying basic terms of use, lot, yard and height requirements and special provisions.
- Districts specifying all of these terms plus overall layout and/or locational standards.

Under the proposed Code, all zoning districts would contain the same standards and requirements, with conditions attached to conditional uses that met the intent of the Code as well.

Regarding the development process, the idea of submitting a conceptual plan before a final plan is recommended. This process should be expanded to include three steps, beginning with an initial meeting between the County and the property owner or developer and ending with approval of construction documents. Each step is described below:

### *Step One: Pre-Design Meeting/Sketch Plan Review*

Since this is a new process for the County, it would be wise to counsel applicants, especially those long familiar with the current process, to meet to discuss how the new Code will apply. By meeting with the County Planning Staff early in the process, they can give valuable suggestions and help avoid costly changes in the plans later. This meeting is chiefly intended to help applicants and the Commission staff to develop an understanding of the property and a design scheme that incorporates and respects the natural and/or built features surrounding the property to be developed.

At this meeting, the applicant should submit a Sketch Plan to discuss with the staff. The Sketch Plan should be accompanied by a Site Analysis and Map as described below:

### **Site Analysis and Map**

For all development plans, a Site Analysis and Map should be prepared to provide the developer and the County with a comprehensive analysis of existing conditions both on and around the proposed site. The County reviews the analysis and map to ensure accuracy, conformance with adopted ordinances and anticipated impacts of the development in the area. The Analysis should include a written narrative and a map.

The written narrative should address the following questions:

**Regional Analysis:**

- Is the location of this new development consistent with a comprehensive regional plan?
- Will the location increase the likelihood of public transit to someday service the site?
- Does the adjacent street or road have the appropriate speed posted to ensure safety for the neighborhood?
- How does the development contribute to a balanced mix of uses in its area?

**Site Analysis:**

- Are water features, wetlands, significant trees and vegetation and other natural resources incorporated into the design to the extent that they enhance the design and respect the ecology of the area? Are they utilized in the public space as well as the private yards?
- Does the plan achieve a viable street network without excessive reworking of the natural topography?
- Does the view of the development from major thoroughfares, and other places from which it can be seen, appear to enhance the landscape and not detract from the surrounding area?

The map should be an aerial photograph enlarged to a scale not less than 1 inch = 400 feet, with the site boundaries clearly marked, as its base. Overlays may be used to facilitate readability of the map. The map should then include the following information:

- Topography contour lines, at a scale that is readable and appropriate to show the contours of the site. Topography for major subdivisions should be prepared by a professional surveyor or engineer and coordinated with official USGS benchmarks.
- Delineation of ponds, streams, ditches, and other man-made and natural drainage features, as well as the 100-year floodplains and wetlands. Watershed boundaries should also be delineated.
- Vegetative cover conditions described according to general type, age and condition. Significant trees (over 30 caliper inches) should be specifically marked.
- Delineation of soil types, as defined by the USDA published soil survey for the County, and chart of data published for each soil type for its suitability for construction and septic tanks.
- Viewshed analysis showing the location and extent of views into the property from public areas (including roads).
- Geologic information (rock formations, sinkholes, fault lines, etc) and location of these features on the site.
- All existing man-made features, such as streets, other paved surfaces, dirt roads, buildings, wells, drainage fields, dumps, utilities, rail lines, walking trails and recorded easements.
- Location of known and suspected historic structures and archaeological sites.

*Step Two: Conceptual and Final Plan Review***A) Conceptual Plan Review**

The Conceptual (or Preliminary) Plan is a scale drawing in which ideas are illustrated in more detail than in the Sketch Plan. This Plan is developed before expensive engineering costs are incurred for preparing detailed alignments for streets and calculations for stormwater management. The Conceptual Plan is reviewed by the Planning Staff to ensure compliance with the Code. The Staff may specify changes that it deems necessary to ensure compliance, and grants preliminary approval subject to such changes being made.

The submittal requirements are similar to those of the current process for preliminary plat review. The requirements would be modified to incorporate the Code and those elements deemed to be necessary by the County regarding environmental safeguards and assurance of service provision.

**B) Final Plan Review**

After all issues and concerns are addressed in Step Two (A), the applicant brings the plan back for final approval by the Planning Commission. This review is accompanied by a public hearing as well as a staff report outlining the merits and deficiencies of the project; no project should come before the Planning Commission that has not been approved by the staff. Once the Planning Commission approves the project, the owner or developer may then proceed to obtain construction plan approval.

*Step Three: Construction Plan Approval and Final Plat Approval*

Once the plan is approved by the Planning Commission, the applicant can then proceed to final construction plan approval. During this step, the applicant submits final, engineered plans to the Commission staff in order to secure permits to begin work on the property. Final plat approval is then granted by the staff, provided that the final drawings meet the requirements of the Code and the Planning Commission approval.

**Conditional Use Approval Process**

The Conditional Use Permit is administered by the Board of Adjustment on a case-by-case basis. From what is written in the Zoning Ordinance, it appears that no actual conditions are stipulated; conditions are attached to permits based on the Board's discretion. Further, no requirements are listed for what is submitted for review. It is recommended that all conditional uses be examined, specific conditions be written that meet the intent of the Code, and a process written down as part of the Code.

**D. REVIEW STRUCTURE (COUNTY STAFF AND REVIEWING BODIES)**

**1. Commission Staff**

Woodford County currently has two principal staff persons reviewing building and development plans, the County Zoning Administrator and the Building Inspector. As Woodford County is already understaffed, it is recommended that at least one additional staff member be added to facilitate development review, a Town Planner. The Town Planner should be an individual with a professional degree in architecture or urban design whose role is to assist individual homeowners, architects, designers and builders in designing buildings that meet the proposed Woodford Design Code. The Town Planner will review plans in the early stages and make suggestions to improve the design, as well as shepherd plans through the permitting process. The County should consider hiring this person whether or not this particular proposed Code is adopted.

## **2. Planning Commission**

The Planning Commission is the major recommending body for development in the City of Versailles, City of Midway, and the County. In addition to their long-term planning activities, their role is to recommend policy for administering the Code, thereby making improvements to the system as occasions arise. They also have the responsibility to give final approval to development projects to ensure compliance with the Code.

## **3. Board of Adjustment**

The Board of Adjustment will continue to administer the conditional use and variance processes, as stipulated by state law. This Board will need specific training to administer the new Code, and the Board and the three legislative bodies should consider further refinements to conditional uses before situations which compromise the Code arise.

## **4. Board of Architectural Review**

This five-member Board has been established by the Versailles City Council, Midway City Council, and Woodford Fiscal Court with an assigned function and duty to "pass upon the appropriateness of exterior architectural features of buildings and structures and signs and other exterior features hereafter constructed, reconstructed, altered or restored in the Old and Historic District, wherever such exterior features are subject to public view from a public street or way" (Section 720.5 F of the Zoning Ordinance). We recommend that this Board be involved with the design process for downtown Versailles and Midway only to the degree that specific intervention to preserve historic features is needed.