

AN ORDINANCE AMENDING ARTICLE 5-4(b) OF THE LAND SUBDIVISION REGULATIONS TO INCREASE ALLOWABLE PLAT SIZE TO THE MAXIMUM PLAT SIZE OF 24" x 36" IN COMPLIANCE WITH KENTUCKY STATE LAW. (LEXINGTON FAYETTE COUNTY CLERK'S OFFICE).

WHEREAS, the Lexington-Fayette Urban County Planning Commission has considered a text amendment to Article 5-4(b) of the Land Subdivision Regulations to increase allowable plat size to the maximum plat size of 24" x 36" in compliance with Kentucky State Law. Planning Commission did recommend APPROVAL of the text by a vote of 8-0; and

WHEREAS, this Council agrees with the recommendation of the Planning Commission; and

WHEREAS, the recommendation form of the Planning Commission is attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Article 5-4(b) of the Land Subdivision Regulations of the Lexington-Fayette Urban County Government is hereby amended as follows:

Article 5-4(b) of the Land Subdivision Regulations – Materials

5-4(b) - MATERIALS – The final plan shall be prepared on mylar or other material capable of clear reproduction using the ozalid print process. The sheet size may not exceed 24" x 36" and all plan information will be shown clearly and legibly. In addition, the final plan shall be submitted in digital format containing the information required by the Division of Engineering. In all cases, the mylar submission shall be considered the official submission.

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: February 8, 2018

MAYOR 

ATTEST:


Clerk of Urban County Council

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Recd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: SRA 2017-5: AMENDMENT TO ARTICLE 5-4(B) TO INCREASE ALLOWABLE PLAT SIZE - to allow a maximum plat size of 24"x36" in compliance with Kentucky State Law.

Having considered the above matter on **December 14, 2017**, at a Public Hearing and having voted **8-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **APPROVAL** of the text amendment for this matter for the following reasons:

1. The proposed text revision to Article 5-4(b) will allow for plats to be a maximum of 24"x36" providing for better clarity and presentation of the required information.
2. The proposed addition will maintain public health and safety, consistent with the intent of the Land Subdivision Regulations.

ATTEST: This 19th day of January, 2018.



Secretary, Jim Duncan

WILLIAM WILSON
CHAIR

At the Public Hearing before the Urban County Planning Commission, this petition was represented by **Tom Martin, Senior Planner, Division of Planning, Planning Services Section.**

OBJECTIONS

OBJECTORS

- None

- None

VOTES WERE AS FOLLOWS:

AYES: (8) Berkley, Cravens, Forester, Mundy, Owens, Penn, Plumlee, and Wilson

NAYS: (0)

ABSENT: (3) Bell, Brewer and Richardson

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for **Approval** of **SRA 2017-5** carried.

- Enclosures:
- Recommended Text
 - Application
 - Staff Report
 - Applicable excerpts of minutes of above meeting.

Mr. Taylor said that the staff also has a concern with the improvement plan progress report of the Land Subdivision Regulations. He said that the staff would like to move the progress report from 30% of design to a 50% of design, so that there will be more information on the improvement plan progress report, and to also request this to be submitted at the time the developer seeks their land disturbance permit and their notice to proceed. He said that there will be no change to what the Planning Commission will see in terms of the reports, just a different timing as to when it will be available to the Planning Commission. He said the Subdivision Committee recommended referral and the staff recommends approval of the text amendment.

Mr. Taylor asked the Planning Commission to recommend an effective date of January 1, 2018.

Action – A motion was made by Mr. Cravens, seconded by Ms. Mundy, and carried 9-0 (Forester and Richardson absent) to approve SRA 2017-3: AMENDMENTS TO UPDATE THE MAJOR SUBDIVISION PLAN PROCESS, for the reasons provided by the staff with an effective date of January 1, 2018.

- b. INITIATION OF SUBDIVISION REGULATION AMENDMENT FOR FINAL RECORD PLAT SIZE – The staff will request that the Planning Commission initiate an amendment to Article 5-4(b) of the Land Subdivision Regulations to increase the maximum allowable size for a Final Record Plat to 24" x 36". If initiated, the requisite public hearing would be held in December, after mailed notices are sent.

Staff Presentation – Ms. Wade said that this text amendment is requested by the Fayette County Clerk to adjust the size of the plats. She said the request is to create larger plats than what the Subdivision Regulations provide for, which is limited to 17" x 22". She said that the state allows a larger size and the County Clerk would like be allowed to provide that size as well, which is 24" x 36".

Action – A motion was made by Mr. Penn, seconded by Ms. Plumlee, and carried 9-0 (Forester and Richardson absent) to initiate the INITIATION OF SUBDIVISION REGULATION AMENDMENT FOR FINAL RECORD PLAT SIZE, for the reasons provided by the staff.

- c. INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE THE PLANNED SHOPPING CENTER (B-6P) ZONE – The staff will request that the Planning Commission initiate amendments to the B-6P zone to update parking standards, increase lot coverage and floor area requirements, address transit facilities and residential dwelling units, and explore additional design standards. If initiated, the requisite public hearing would be held in December, after mailed notices are sent.

Staff Presentation – Mr. Taylor said that at the last Commission Work Session that staff would like to update the B-6P part of the Zoning Ordinance. He said that staff will provide a draft of the Zoning Ordinance to the Planning Commission by their next Work Session or the next Committee meeting.

Action – A motion was made by Ms. Plumlee, seconded by Ms. Mundy, and carried 8-0 (Penn abstained; Forester and Richardson absent) to initiate INITIATION OF ZONING ORDINANCE TEXT AMENDMENT TO UPDATE THE PLANNED SHOPPING CENTER (B-6P) ZONE, for the reasons provided by the staff.

VII. STAFF ITEMS – The staff will report at the meeting.

- A. ADOPTION OF 2018 MEETING & FILING SCHEDULE - The Chair will announce that the Commission will consider adoption of the "Official Meeting and Filing Schedule for 2018" at this time. Once adopted, the staff will distribute copies of the 2018 schedule for use by the Commission and the general public.

Staff Presentation – Ms. Wade asked the Planning Commission to adopt the meeting and filing schedule for 2018.

Action – A motion was made by Mr. Brewer, seconded by Ms. Plumlee, and carried 9-0 (Cravens and Penn abstained; Forester and Richardson absent) to adopt the ADOPTION OF 2018 MEETING & FILING SCHEDULE, for the reasons provided by the staff.

- B. COUNCIL MEETING UPDATE - Mr. Duncan that the Council held an ad hoc meeting, with staff, on Tuesday, October 24, 2017, where there was a lengthy discussion of Theme E, which is related to the Urban Service Area boundary. He stated that there were no changes made at that time. He also said that there was a public hearing on Tuesday, October 24, 2017, where there were many comments made regarding economic development and the Urban Service Area boundary.

Mr. Duncan said the next meeting by the Council will be on Tuesday, November 7, 2017, which is an ad hoc committee meeting to discuss any questions from the public hearing. The Council then plans to have their first reading of the Goals & Objectives of the 2018 Comprehensive Plan on Thursday, November 9, 2017.

VIII. AUDIENCE ITEMS – No such items were presented.

* - Denotes date by which Commission must either approve or disapprove request, unless agreed to a longer time by the applicant.

STAFF REPORT ON PETITION FOR LAND SUBDIVISION REGULATIONS TEXT AMENDMENT

SRA 2017-5: AMENDMENT TO ARTICLE 5-4(B) TO INCREASE ALLOWABLE PLAT SIZE

REQUESTED BY: Lexington-Fayette County Clerk's Office

PROPOSED TEXT: (Note: Text ~~dashed through~~ indicates a deletion, and text underlined indicates an addition to the existing Land Subdivision Regulations.)

5-4(b) MATERIALS

5-4(b) MATERIALS - The final plan shall be prepared on mylar or other material capable of clear reproduction using the ozalid print process. The sheet size may not exceed 24" x 36"~~17" x 22"~~, and all plan information will be shown clearly and legibly. In addition, the final plan shall be submitted in digital format containing the information required by the Division of Engineering. In all cases, the mylar submission shall be considered the official submission.

STAFF REVIEW:

For several years' surveyors have expressed some concern about the 17"x22" plat size as required by the Land Subdivision Regulations. This is due to several factors including the difficulty in accurately depicting the lotting due to the scale required, the amount of information now required on final record plats (including many notes), and last but not least, the fact that state law allows a plat to be 24"x36" which is the practice of most surrounding jurisdictions.

Initially, the Kentucky Professional Surveyor's Association requested that the size be increased. After several meetings with the Fayette County Clerk's staff, they agreed to make a formal request for the Land Subdivision Regulation's to be amended to allow a maximum plat size of 24"x36" in compliance with Kentucky State Law. In doing so, the Clerk's Office has verified that their office equipment can handle the change.

This amendment will not have a negative impact on the public. It will allow surveyors and/or engineers to prepare and record final record plats of a larger size in accordance with state law and consistent with the practice of other jurisdictions.

The Staff Recommended: Approval, for the following reasons:

1. The proposed text revision to Article 5-4(b) will allow for plats to be a maximum of 24"x36" providing for better clarity and presentation of the required information.
2. The proposed addition will maintain public health and safety, consistent with the intent of the Land Subdivision Regulations.

Proposed Text Amendment

(Note: Text underlined indicates an addition to the existing regulations; text ~~dashed through~~ indicates a deletion.)

Land Subdivision Regulations

Article 5: CONTENT AND FORMAT REQUIREMENTS FOR MAJOR SUBDIVISION PLANS

5-4(b) MATERIALS - The final plan shall be prepared on mylar or other material capable of clear reproduction using the ozalid print process. The sheet size may not exceed 24" x 36"~~17" x 22"~~, and all plan information will be shown clearly and legibly. In addition, the final plan shall be submitted in digital format containing the information required by the Division of Engineering. In all cases, the mylar submission shall be considered the official submission.



2. **SRA 2017-5: AMENDMENT TO ARTICLE 5-4(B) TO INCREASE ALLOWABLE PLAT SIZE**

REQUESTED BY: Lexington-Fayette County Clerk's Office

PROPOSED TEXT: (Note: Text ~~dashed through~~ indicates a deletion, and text underlined indicates an addition to the existing Land Subdivision Regulations.)

5-4(b) MATERIALS

5-4(b) MATERIALS - The final plan shall be prepared on mylar or other material capable of clear reproduction using the ozalid print process. The sheet size may not exceed 24" x 36"~~17"x-22"~~; and all plan information will be shown clearly and legibly. In addition, the final plan shall be submitted in digital format containing the information required by the Division of Engineering. In all cases, the mylar submission shall be considered the official submission.

The Subdivision Committee recommended: Approval.

The Staff Recommended: Approval, for the following reasons:

1. The proposed text revision to Article 5-4(b) will allow for plats to be a maximum of 24"x36" providing for better clarity and presentation of the required information.
2. The proposed addition will maintain public health and safety, consistent with the intent of the Land Subdivision Regulations.

Staff Presentation – Mr. Martin presented the text amendment report, and noted that the staff was approached by the Kentucky Professional Surveyor's Association, who requested an increase in the plat size. In turn, the staff approached the Fayette County Clerk staff, who agreed to make a formal request for the Land Subdivision Regulations to be amended to allow a maximum plat size of 24"x36" in compliance with Kentucky State Law. The staff is recommending approval of this change for the reasons provided on today's agenda.

Action – A motion was made by Ms. Mundy, seconded by Mr. Owens, and carried 8-0 (Brewer, Bell and Richardson absent) to approve **SRA 2017-5: AMENDMENT TO ARTICLE 5-4(B) TO INCREASE ALLOWABLE PLAT SIZE**, for the reasons provided by the staff.

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