



## CHAPTER 6 PLAN IMPLEMENTATION

### GENERAL

This chapter describes various implementation measures that may be used to achieve the Vision, Goals, Objectives, and specific recommendations described in this plan. With completion of this Plan Update, a necessary continuing step in the planning process has been accomplished. Implementation, however, is likely the most important and continual step in this process. Both the public and private sector have a role in the implementation of this plan. The public sector will assist in guiding development by reasonable and prudent application of various land regulatory measures, as well as, through financing of public works projects. Private sector businesses and individuals will plan and complete land development projects.

### ZONING REGULATIONS

State legislation permits the legislative bodies of cities and counties to adopt zoning regulations which may be used to divide the territory within their jurisdiction into zones so as to:

- Promote public health, safety, morals, and general welfare of the area of jurisdiction;
- Facilitate orderly and harmonious development and visual or historical character of the area; and
- Regulate the density of population and intensity of land use in order to provide for adequate light and air.

In addition, zoning may be employed to provide for vehicular parking and loading space, establish maximum lot coverage, establish design guidelines, control signage, as well as to facilitate fire and police protection and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities and the loss of life, health, or property from fire, flood, and other dangers. Zoning may also be employed to promote and protect airports, highways, and other transportation facilities, public facilities, including schools and public grounds, historical districts, central business districts, prime agricultural land, natural resources, the use of sludge from water and waste water treatment facilities in projects to improve soil quality, and other specific areas which need special protection.

Some specific recommendations of this Plan will require modifications to the zoning regulations to:

- Increase minimum lot sizes in rural areas,
- Establish new or overlay zoning districts to permit the development of “Traditional Villages” or mixed use environments; and
- Develop design guidelines to ensure coordinated and aesthetically compatible development with surrounding development.



## **SUBDIVISION REGULATIONS**

Kentucky state legislation permits local planning commissions to prepare and adopt regulations for the subdivision of land within its boundaries after all elements of the Comprehensive Plan have been adopted by the commission. This legislation requires that, if such regulations are adopted, all subdivision of land shall (mandatory) receive Municipal Planning and Zoning Commission approval before subdivision plats may be recorded at the county level. It further states that any street or public ground which has been dedicated shall not be accepted by the legislative body in question until it has received final plat approval by the planning commission.

The County should proactively review and update the subdivision regulations, as necessary, to provide an implementation tool for the recommendations of the future land use plan. In particular, regulations may need to be revised to accommodate newer types of residential development such as conservation or cluster type subdivisions and traditional village development.

## **CAPITAL IMPROVEMENTS PROGRAM**

A capital improvements program is developed only after completion and adoption of the Comprehensive Plan. Such a program is an effort to identify, from a detailed review of the recommendations included in the Comprehensive Plan, public improvement priorities, and then to schedule these priorities on the bases of the county's financial ability to accomplish them. Such a program is usually short - term in nature -- normally a five or six year program, with the first year being incorporated as the current year operating budget.

More specifically, a capital improvements program is either preceded by, or includes, a complete review of the financial condition of the county for a number of past years, so that a complete understanding of those financial operations is available prior to the time any recommendations for future expenditures are made. Such a review normally includes an examination of budgetary procedures, accounting system, current indebtedness condition, and sources of revenue, expenditures, and all of the factors which may have some bearing on future financial operations.

After completion of this detailed financial analysis, projections of budgets for future years are made. This step necessitates extremely close cooperation and understanding with the city's public officials and those persons delegated to carry out day-to-day financial operations of the community/agency in question. Detailed review of the recommendations set forth in the Comprehensive Plan allows development of a set of priorities, identifying which public improvements will be necessary in the early years of the plan's long - range program. Cost estimates for each of these priority items are then made and a schedule of capital improvements projects is developed.

The program further recommends appropriate sources of funds to finance such improvements as they are required (e.g., current revenues, special funds, bond issues, etc.). Effort is then directed toward coordinating scheduled capital improvements projects with the



area's ability to finance such improvements over the period covered by the capital improvements program.

A well designed capital improvements program is kept current by reevaluating each year, the priorities assigned to each project, and by adding another year to the end of the program -- each time the first year is incorporated into the current operating budget. Preparation of a capital improvements program is an important component in any comprehensive planning process.

Capital improvements programming has not been used extensively in Northern Kentucky. This tool can be one of the most valuable means of planning for and guiding future public expenditures in line with anticipated private development efforts. It is recommended that the Campbell County Fiscal Court, in coordination with other jurisdictions within the planning units and those not in planning unit, begin using this process.

## **OFFICIAL MAP REGULATION**

When all required components of the Comprehensive Plan and a capital improvements program have been prepared and adopted, the local planning commission and legislative bodies have the authority to prepare and adopt an official map regulation.

This regulation incorporates a map of the entire area of jurisdiction and may show, without being limited to, the existing and proposed location and extent of public streets, including rights-of-way, water courses, parks and playgrounds, public schools and building sites, and public facilities needs. The purpose of which is help reserve land for these necessary public services.

After passage of the official map regulation for all or part of the jurisdiction, all streets, water courses, parks and playgrounds, public buildings, public school sites, or other public facilities which have been approved under subdivision regulations, as provided in the Kentucky Revised Statutes, shall be posted to the official map. Kentucky Revised Statutes notes that the passage of the official map regulation shall not be deemed as opening or establishing of any street, or as a taking, or as an acceptance of any land for a street, water course, or public grounds; nor shall it obligate the county to improve or maintain any such street or facility. When land containing facilities identified on the official map is subdivided for sale or building development, it is the intent of the official map to reserve these lands for a reasonable time period. This allows local legislative bodies, through their capital improvement program to purchase these land areas for their identified use.



## **BUILDING CODES**

A building code establishes standards for design, construction, alteration, repair, equipment, use and occupancy, maintenance, removal, and demolition of every building, structure, or appurtenance connected or attached to such buildings or structures. This type of code also establishes procedures for amendments and appeals to the code and provides for its administration and enforcement.

In 1980, the state of Kentucky enacted a statewide building code, the Kentucky Building Code. Prior to that time, each individual community could select whichever national building code it wished to use or it could develop its own building code. In an effort to assure uniformity of application of building regulations, the state of Kentucky adopted the Kentucky Building Code. That same state law, however, requires that local governments must enforce that building code with building officials qualified by examination which is administered by BOCA (Building Officials and Code Administrators International, Inc.), a national professional association for construction code officials.

The County should actively investigate the possibility of pursuing expanded jurisdictional building inspections for commercial and large scale residential projects that are currently being conducted by State officials. Moving these types of projects under County inspection would potentially provide better service and help facilitate economic development through local office hours, more timely review scheduling, and shorter review times. The County would need to investigate the costs of hiring additional staff, training and certification as a part of this pursuit.

## **HOUSING CODES**

A housing code establishes minimum standards necessary to make dwellings fit for human habitation, regulates the size of rooms, light, ventilation, heating, and the number of persons permitted per room, the types of sanitary facilities required for all dwellings; establishes conditions which constitute hazards and which, if found to exist, warrant findings that the building is unsafe for human habitation. The code also provides for amendments and appeals and establishes procedures for administration and enforcement of its regulations.

## **ADDITIONAL IMPLEMENTATION MEASURES**

During the process of preparing this update, the Comprehensive Plan Advisory Committee discussed a variety of potential topics that should be reviewed in more detail as methods to assist in the implementation of this Plan Update. The following implementation measures are those which are more specific for this Plan Update.

In Chapter 4, Future Land Use, information has been presented on the need to establish a variety of residential densities with the intent of preserving the rural areas of the county with limited, low density development. Residential density within areas identified for agricultural and rural uses was an important issue discussed by the Committee. This Plan Update recommends that further study be done to evaluate the most appropriate residential density

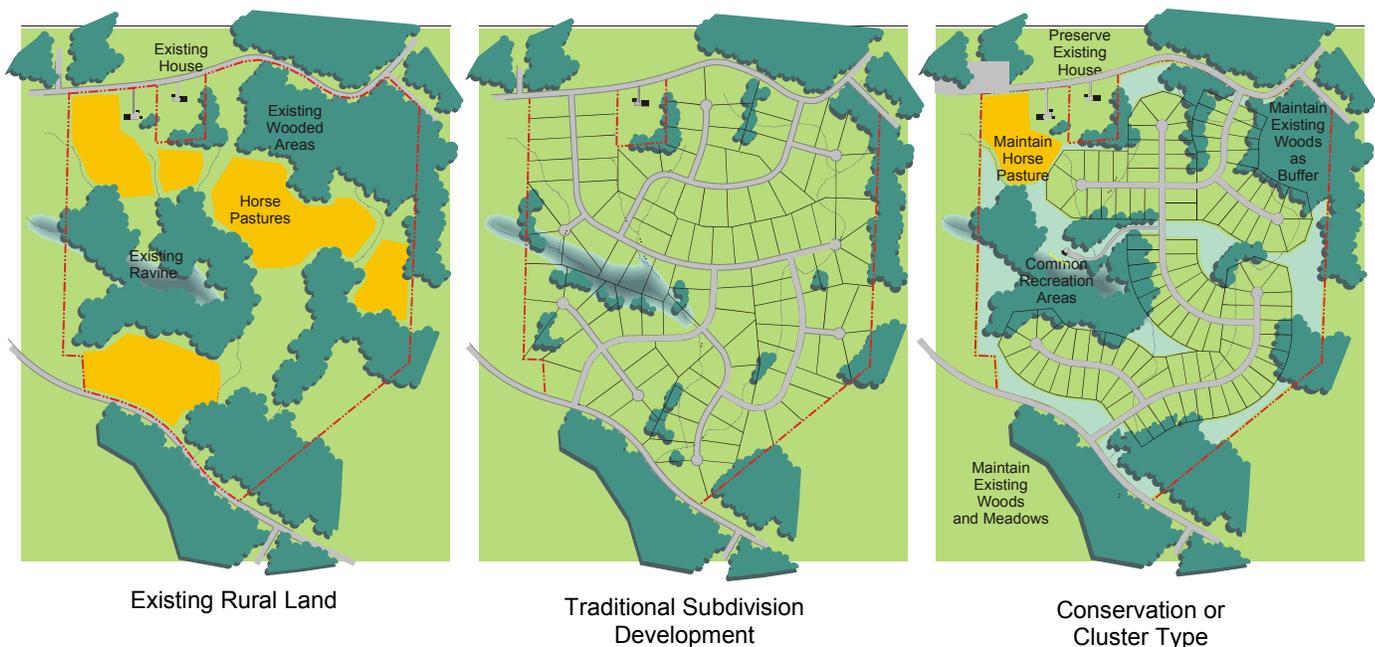


within the individual areas on a case by case basis. Given the potential rate of residential development within this area with the Eastern Regional Wastewater Treatment Facility now on line, this recommendation should be given high priority after the adoption of this Plan Update. This issue can be addressed by a combination of methods that may include the use of cluster development and/or conservation easements that would reserve land in open space.

- **Conservation or Cluster Type Development**

Cluster development is a method established as part of the zoning code which can be used to permit residential lots to be arranged in groups on a relatively small area of land and reserve remaining portions as common open space in perpetuity. When properly used, this method can allow for densities similar to what is permitted under existing regulations, while also promoting more open space and maintaining the rural "feel" of the area (e.g., increased setbacks from existing roads, maintaining large open areas of land, etc.). Residents of areas developed in this manner, may own the open space as part of their lots, wherein, the houses are clustered together. Another, more typical option is that open space is owned in common by either a homeowners association or some other mechanism is used for maintenance of this open space, and the individual house lots are smaller. In either case, the design of the development is critical and drafting of amendments to the County's zoning code is necessary to accommodate this style of development and to set forth the guidelines for design.

In areas where public sanitary sewage disposal is not available, alternatives to the traditional septic tank should be investigated. Innovative techniques for onsite sewage disposal should be researched as part of the process to update development regulations. See Chapter 5, Recommendations for the Sewerage System Plan, for further information on alternative on-site and other systems.





## Traditional Village Development

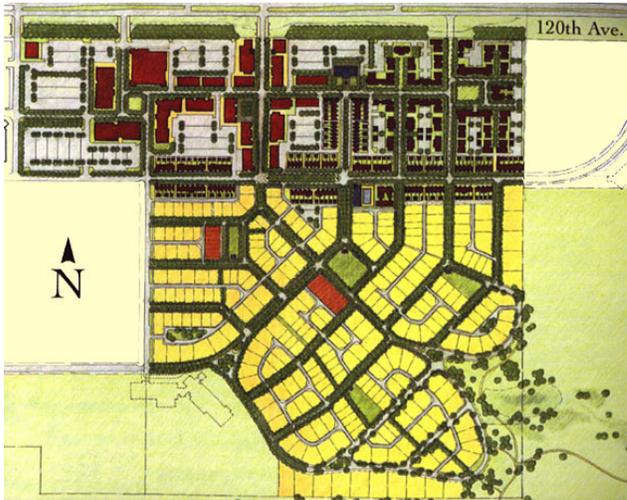
Traditional Village Development practices are particularly suitable for areas surrounding older villages. New village centers can be developed based on “traditional village” principles. These are often called “Neo-Traditional” developments. Traditional Village Development is in contrast to a typical suburban pattern of curvilinear streets; uses limited to single family dwellings, large lots; large front, side and rear yard setbacks; prominent garages and lack of sidewalks. The Traditional Village approach allows new development to better mesh with the best features of older villages or recreates an area based on those principles in a compact, densely formed mixed use area.

Some of the principles of neo-traditional development include:

- A five-minute walk from the edge to the center of the neighborhood.
- An emphasis on the architectural compatibility of buildings rather than uniform housing densities and separation of uses.
- Small setbacks for front and side yards.
- Public spaces within the neighborhood are well-understood open-space types, such as central parks, greens, squares or plazas.
- The streets and alley systems are arranged in a hierarchical network and interconnected. This can be an extension of the street grid of the adjacent village.
- Sidewalks, curbs and street trees are carefully planned and designed for reducing traffic speed and on street parking.
- Private parking is located at the rear of the lot accessible through an alley system, or if necessary, through a driveway from the street, allowing a porch on the front of the house.
- Public parking is located at the curb.
- Ponds, wetlands, mature stands of trees and other natural resources are retained and incorporated into the development.
- Small-scale retail, service businesses and office buildings are established near the center of the Village to allow residents access to conveniences without using their car.



The following are two graphic examples of Traditional Village type developments.



Bradford Village, Bradford, Virginia

*Courtesy of Andres Duany of DZP Consultants*



Norton Commons, Louisville, Kentucky – Currently under development.

- **Conservation easements**

Conservation easements can be a useful tool to support both the protection of watersheds and other sensitive environmental areas and to potentially help manage the open spaces created by the previously mentioned cluster style developments. Typically, land placed within an easement remains in private ownership. Conservation easements restrict the use of the land to that described within the document creating the easement. To implement the use of conservation easements it is recommended that the Campbell County Fiscal Court establish a non-profit land conservancy, similar to those formed in Boone and Kenton Counties. The role of managing these easements is typically the purpose of a land conservancy. Road improvements and extension of utilities in a timely manner are continued issues discussed during this update process. Improvements to these elements of the infrastructure are important as the county continues to grow. The following recommendations are specific to help implement the timely provision of these services.

- Road Improvements

Improvements to existing county and state roads in conjunction with increased development are an important issue discussed during this Plan Update. It is recommended that measures be established and/or improved in both the subdivision regulations and zoning ordinance, as necessary, and through administrative mechanisms to address this issue. To implement this



recommendation it is necessary to require the dedication of additional rights-of-way and the widening of existing substandard roadways as part of the development process. An option that may be used instead of construction of improvements is to provide for and allow for the placing of funds in escrow for improvements at a later date. Typically, only relatively short lengths of roadway are involved in an individual development proposal. This option allows for construction to occur when a greater length of roadway can be improved, thus, making construction more feasible.

Escrow accounts used for this purpose must be dedicated to this use only. These funds, when used in conjunction with the process of capital improvement programming and budgeting, previously discussed, can help assure that improvements to county roads keep pace with development.

- Easement Coordination

In previous Plan Updates, it was apparent that major road improvements currently underway in the county had not been coordinated as effectively as possible with utility companies (i.e. water, telephone, etc.) that provide services to the area. It is likely, that easements within proposed rights-of-way and designed and coordinated as part of the road improvement process, can ultimately reduce the cost of extending and/or improving these services. This will be particularly important with the potential future extension of the State Route 536 Corridor and the recommendations for that particular area and its success.

- **Community Facility Adequacy**

The provision of properly located community facilities to best serve the population of the county from both a geographical and financial standpoint is another important area of concern identified in this Plan Update. The need is particularly noteworthy in the area of park and recreation space, library access and future school needs. While overall existing park acreage in Campbell County is currently adequate per established standards, there is a need to keep pace in terms of smaller more accessible parks; neighborhood and community parks. Likewise, existing school acreage and facility needs are not yet critical with the opening of the newest Campbell County Elementary School. However, it is necessary to continue to identify appropriate locations and set aside adequate land for new school sites in conjunction with the Campbell County Public Schools. The inclusion of the Campbell County Public Schools Superintendent as a part of this Plan's Advisory Committee was an important step in continuing this dialogue.

As was the case with the 2000 Plan Update, this Plan recommends that the Campbell County Fiscal Court, the cities comprising the planning units, and the Campbell County School District continue working together to assure that areas of anticipated new growth are identified and that new site for schools are identified to serve these areas. This process should be coordinated with a capital improvements and budgeting process, as previously discussed, by both the governmental units



involved and the school district. When used in conjunction with the official map process, previously described, this effort will be beneficial to the community and assure that adequate future sites for community facilities are available.

## TRANSFER OF DEVELOPMENT RIGHTS

Transfer of development rights (TDR) programs allows landowners to transfer the right to develop one parcel of land to a different parcel of land. Generally, TDR programs are established by local zoning ordinances. In the context of rural or farmland protection, TDR is used to shift development from rural and agricultural areas to designated growth zones closer to municipal services. The parcel of land where the rights originate is called the “sending” parcel. When the rights are transferred from a sending parcel, the land is restricted with a permanent conservation easement. The parcel of land to which the rights are transferred is called the “receiving” parcel. Buying these rights generally allows the owner to build at a higher density than ordinarily permitted by the base zoning.

TDR programs are based on the concept that property owners have a bundle of different rights, including the right to use land, lease, sell and bequeath it, borrow money using it as security, construct buildings on it and mine it, subject to reasonable local land use regulations. Some or all of these rights can be transferred or sold to another person. When a landowner sells property, generally all the rights are transferred to the buyer. TDR programs enable landowners to separate and sell the right to develop land from their other property rights.

TDR is most suitable in places where large blocks of land remain in farm use or are worthy of some other type of conservation (mature woodlands, hillsides, wetlands, etc.). Jurisdictions also must be able to identify receiving areas that can accommodate the development to be transferred out of the area to be preserved. The receiving areas must have the physical and service capacity to absorb new units, and residents of those areas must be willing to accept higher density development. Often, residents of potential receiving areas must be persuaded that the benefits of protecting farmland and natural areas outweigh the costs of living in a more compact neighborhood.

TDR programs can be designed to accomplish multiple goals including farmland protection, conservation of environmentally sensitive areas and preservation of historic landmarks. In the context of farmland protection, TDR programs prevent non-agricultural development of farmland, reduce the market value of protected farms and provide farmland owners with liquid capital that can be used to enhance farm viability.<sup>7</sup>

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<sup>7</sup> Excerpts from the “Factsheet on the Transfer of Development Rights”, from the American Farmland Trust, January 2001.



## **DEVELOP A CORRIDOR MASTER PLAN FOR U.S. 27**

In order to fully implement the future land use initiatives of this Comprehensive Plan, the County should actively pursue the development of a corridor master plan for U.S. 27 from the City of Alexandria, south to the Pendleton County border. This micro level study should focus on a variety of issues including: a Vision, Goals and Objectives specific to U.S. 27; specific land uses for parcels along the corridor; standards for high quality comprehensive site and building design; access management; streetscape and urban design elements in the public right-of-way; economic development tools and implementation strategies to help position the corridor for the appropriate and specific development and preservation efforts not possible in the macro level Comprehensive Plan Update. Specific attention should be focused on the intersection with S.R. 536.