

99.050 Conditions of approval of plan by planning commission.

- (1) A planning commission may approve a development plan, but no certificate of approval thereof shall be issued by it unless and until an application for approval has been filed with it, together with the development plan, and unless and until, after a public hearing before it, notice of which hearing giving the time, place and purpose of the hearing shall be given by publication pursuant to KRS Chapter 424, and by one or more handbills posted up in the area sought to be redeveloped giving the time, place and purpose of the hearing, the planning commission finds:
 - (a) That the area within which the development area is included is substandard or insanitary and that the redevelopment of the development area in accordance with the development plan is necessary or advisable to effectuate the public purposes declared in KRS 99.020;
 - (b) That the development plan is in accord with the master plan, or city map, if any, of the city;
 - (c) That the development area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner;
 - (d) That the various stages, if any, by which the development is proposed to be constructed or undertaken, as stated in the development plan, are practicable and in the public interest;
 - (e) That public facilities, including, but not limited to school, fire, police, transportation, park, playground and recreation, are presently adequate, or will be adequate, at the time that the development is ready for use, to service the development area;
 - (f) That the proposed changes, if any, in zoning ordinances or maps and in streets and street levels, or any proposed street closing, are necessary or desirable for the development and its protection against blighting influences and for the city as a whole; and
 - (g) Upon the data submitted by or on behalf of the redevelopment corporation, or upon data otherwise available to the planning commission, that the carrying into effect of the development plan will not cause undue hardship to the families, if any, occupying dwelling accommodations in the development area to such a degree as to outweigh the public purpose defined in KRS 99.020.
- (2) Any such findings shall be conclusive evidence of the facts so determined except upon proof of fraud or willful misfeasance. In arriving at such determination, the planning commission shall consider only those elements of the development plan relevant to such determination under paragraphs (a) through (g) of subsection (1) of this section and to the type of development which is physically desirable for the development area concerned from a city planning viewpoint, and from a neighborhood unit viewpoint if the development plan provides that the development area is to be primarily residential. Upon approval of a development plan by the planning commission, it shall forthwith issue a certificate of approval thereof.
- (3) Such planning commission may state general standards of city and neighborhood unit planning to which a development plan should conform to be approved by it.

Such standards, however, shall be as flexible as possible and only for the guidance of prospective proponents of development plans. Variations therefrom shall be freely allowed upon a showing of their advisability, to the end that individual initiative be encouraged.

Effective: June 17, 1966

History: Amended 1966 Ky. Acts ch. 239, sec. 98. -- Created 1942 Ky. Acts ch. 36, sec. 3.