

### **99.370 Prerequisites for adoption of a development plan.**

No agency may acquire title to any land for the purpose of carrying out a development plan unless the following conditions have been met:

- (1) A general or master plan of the community has been adopted by the planning commission of the community.
- (2) A development plan for the proposed development area has been approved by the planning commission of the community and has been made available for public inspection. The development plan shall designate, among other things, the location, character and extent of the public and private land ownership and uses proposed within the area, such as street, sewer, public transportation, school, recreation, dwelling, business, industry and such others as may be suitable. The development plan may be made by the agency, or at the request of the agency or at the direction of the council, be prepared by the planning commission of the community.
- (3) A public hearing held by the agency on the redevelopment project, whereat an opportunity shall be afforded to all persons interested to be heard, either in person or by counsel. Notice of such hearings shall be published pursuant to KRS Chapter 424. Notices of the hearing shall be mailed at least ten (10) days before the hearing, to the last known owner of each parcel of land in the development area at the last known address of such owner as shown by the records of the assessor and shall contain a description of the proposed development area by its location in relation to highways, streets, streams or otherwise. Such notices shall further state that maps, plats and particular description of the development plan, together with such zoning maps and ordinances as may relate thereto, are available for public inspection at a place to be designated in such notice. The failure of any owner to receive a copy of such notice shall not invalidate the proceedings of the agency.
- (4) A finding has been made by the agency that there is a feasible method for the temporary or permanent relocation of families displaced from the development area, and that there are, or are being provided, in the development area or in other areas not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families displaced from the development area decent, safe, and sanitary dwellings for such displaced families.
- (5) After public hearing, the agency has made and certified to the council the development plan and an estimate of the cost required of the community for the redevelopment of such area, for the guidance of the council in providing funds therefor, an estimate of the total cost of such redevelopment including an estimate of the cost of appraisals, the value of the real estate, and any other costs and expenses which, in the judgment of the agency may be incurred by the agency in the exercise of the powers granted in KRS 99.330 to 99.510, and an estimate of the revenue from the sale or lease of the property after demolition and conditioning for redevelopment, and the amount of deficit, if any, which is expected to be incurred.
- (6) A finding has been made by the council:
  - (a) That the area is a slum area or that all the following conditions exist:
    1. That the area is a blighted area;

2. That a shortage of housing of sound standards and design adequate for family life exists in the community;
  3. That the need for housing accommodations has been or will be increased as a result of the demolition of residential units in slum areas under development plans; and
  4. That the conditions of blight in the area and the shortage of decent, safe, and sanitary housing in the community cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, and welfare;
- (b) That the development plan will afford maximum opportunity consistent with the sound needs of the community as a whole for the redevelopment of the development area by private enterprise;
  - (c) That the development plan conforms to the general or master plan for the development of the community as a whole; and
  - (d) That federal assistance is necessary to enable the development area to be redeveloped in accordance with the development plan and funds will be available for the community share of the cost as required by the Housing Act of 1949 or other federal acts providing federal financial assistance, or that federal financial assistance is not necessary and all funds will be available from other sources;
- (7) The council has approved the development plan.

**Effective:** June 17, 1966

**History:** Amended 1966 Ky. Acts ch. 239, sec. 101. -- Amended 1958 Ky. Acts ch. 159, sec. 2. -- Created 1950 Ky. Acts ch. 119, sec. 6.