

CHAPTER 152: PLANNING AND DEVELOPMENT

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GENERAL PROVISIONS

§ 152.01 AGREEMENT ESTABLISHING JOINT CITY-COUNTY PLANNING COMMISSION INCORPORATED BY REFERENCE.

(A) The agreement for the establishment of a Joint City-County Planning Commission and Boards of Adjustment conforming to the provisions of KRS Chapter 100, shall be made a part of this chapter by reference and is hereby approved and ratified. A copy of the agreement shall be maintained in the office of the City/Clerk/Administrator and shall be available for public inspection during normal office hours.

(B) The Mayors of Cave City, Glasgow, Hiseville, and Park City and the County Judge are authorized and directed to execute this agreement on behalf of the cities and county. The City Clerk of Cave City, the City Clerk / Administrator of Glasgow, the City Clerk of Hiseville, the City Clerk of Park City and the County Court Clerk are authorized and directed to attest the same to affix the seal of his or her office thereto.

(1989 Code, § 152.01) (Ord. 1260, passed - - 1972)

DEVELOPMENT PLANS

§ 152.14 INTENT; PURPOSE.

The purpose of this chapter is to establish and define development plans which may be utilized for a wide variety of planning related procedures. This subchapter outlines the content and procedure for submission, review and approval of all development plans required by the zoning ordinance and subdivision regulations unless another procedure or different contents are specified elsewhere in this subchapter.

(1989 Code, §152.15) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026 passed 8-23-1993.)

§ 152.15 DEFINITIONS.

BMP MANUAL. Best Management Practices manual adopted by the City of Glasgow that contains the storm water management and erosion control practices required for all construction activities.

BORROW / BACKFILL SITE. Any construction site where fill material is either being excavated or deposited with no definite future development to be conducted on the site.

BUILDING PERMIT. Permit issued by the City of Glasgow Building Inspector permitting the applicant to begin building construction.

CURRENT PROPERTY OWNER. Party that purchases property from a developer or previous property owner and party responsible for current status of the development.

DETENTION BASIN. A reservoir for storing water over brief periods of time until the stream has the capacity for ordinary flow plus released water; used for flood regulation.

DEVELOPING PROPERTY OWNER. Party responsible for developing the construction site and all construction activities ranging from Planning Commission and permit approval to finished product.

DEVELOPMENT. Any site that is currently being altered or improved upon that entail residential, commercial, industrial, and public uses.

DRAINAGE STRUCTURE. Any structure (pipe, culvert, catch basin, drop box inlet, curb box inlet, detention basin, retention basin, flume, ditch (paved or grass)) or system of structures, either manufactured or naturally occurring, that aids in the drainage of rain water and water runoff from a specific area.

ENERGY DISSIPATER. A structure which slows fast-moving spillway flows in order to prevent erosion of the stream channel or any type of diversion that slows the energy of moving water.

Engineer – Anyone who is licensed by the Kentucky Board of Engineers and Land Surveyors to practice civil engineering in the Commonwealth of Kentucky.

FINISHED FLOOR ELEVATION. The elevation at which the building foundation meets the prevailing ground surface.

GRADING PLANS. Drawing of a construction site showing existing and proposed topography, environmental controls, erosion control methods, demolition, alterations and improvements to the land, including building and parking locations.

STORMWATER MANAGEMENT. Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

UNDERGROUND DETENTION. Method of storing water in an underground structure or facility that serves as a reservoir for slowly releasing water runoff from a site while minimizing the above ground area that would be required by a more traditional detention basin.

§ 152.16 REQUIREMENTS AFFECTING TIMING OF DEVELOPMENT ACTIVITY.

(A) Approval of development plan and soil erosion control before disturbance of natural ground cover.

(1) For any case where a development plan is required by the zoning ordinance, and the subject property is one acre or more in area, no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place before the Joint City-County Planning Commission has approved a development plan (preliminary or final as appropriate).

(2) In any case where the subject property is less than one (1) acre, but more than ten thousand (10,000) square feet in area or increase the impervious area by more than three thousand-four hundred (3,400) square feet and located in either a B-2 (General Business), B-3 (Highway Service Business), I-1 (Light Industrial), I-2 (Heavy Industrial), or OP (Office and Professional), no disturbance of the natural ground cover shall take place before a grading plan, showing all proposed grading, stripping, excavation, filling, or water detention is presented to the Joint City-County Planning Commission staff for approval. Grading plans shall show all proposed erosion control measures in order to ensure that no sediment is being disbursed to adjacent properties and / or public right-of-ways.

(3) The contents of soil erosion control procedures and plans shall be determined by the Joint City-County Planning Commission staff or the Superintendent of the Street Department unless this subchapter contains stricter specifications.

(B) Changes to site topography before approval of final development plan. The developer is advised to proceed with caution when making changes to site topography after the required approval of a preliminary development plan and soil erosion control procedures (where no soil erosion control plan is

required), but before the Joint City-County Planning Commission has approved a final development plan and, if applicable, a preliminary subdivision plat. Detailed engineering requirements for streets and other public facilities may necessitate additional changes to site topography beyond those already made by the developer.

(C) *Approval of development plan before building permit.* For any case where a development plan is required by this subchapter, no building permits shall be issued until a final development plan is approved by the Joint City-County Planning Commission and a copy of that plan is certified to the Building Inspector by the Joint City-County Planning Commission. The approval of a development plan shall limit and control the issuance of all building and occupancy permits and restrict the construction, location and use of all land and structures to the conditions as set forth in the plan.

(D) *Payment of cost of special meeting of Planning and Zoning Commission.* If approval of a development plan requires a special meeting of the Joint City-County Planning Commission, held at the request of the applicant, the cost of the meeting shall be paid by the applicant.

(E) *Temporary, limited purpose building permit.* Notwithstanding any other provision of this subchapter, the Building Inspector is authorized to issue a temporary, limited purpose building permit, valid for a period of 30 days, which may not be renewed or extended, under the following conditions:

(1) The area to which the temporary, limited permit applies must be zoned for industrial purposes at the time, and the purpose of issuance must be to facilitate the current construction of an industrial facility;

(2) A meeting be held with the city's Planning Staff, Building Inspector and the Superintendent of Public Works and all parties must have reviewed the preliminary plans (including grading, drainage, site layout, parking configuration, and erosion control measures to be implemented) for site improvement, and have determined that no significant flood, drainage, topographic or other similar problems will be occasioned by permitting site improvement work to proceed prior to the submission and approval of preliminary and final development plans;

(3) The grant of temporary, limited purpose permit shall not in any way exempt the developer from the requirements of submitting preliminary and final development plans, as required by ordinance, and modifying any work done under the temporary permit to conform to the final requirements of the approved development plan;

(4) The temporary, limited purpose permit limits the developer to site work only, which does not entail building construction, finalized entrances or street networks, finalized grading, or landscaping; and

(5) The strict conformance to the temporary, limited purpose building permit, guidelines does not relinquish the developer from adhering to any and all regulations in the Development Ordinance, Zoning Ordinance, Subdivision Regulations, BMP Manual or any findings of the Joint City-County Planning Commission when preliminary and final plans are presented to them.

(1989 Code, § 152.16) (Ord. 1975, passed 9-28-1992; Am. Res. 851, passed 3-22-1993; Am. Ord. 2026, passed 8-23-1993)

§ 152.17 WHERE REQUIRED

Development plans shall be required as follows.

(A) Development plans are encouraged and may be required for all zoning map amendments or approval of a subdivision plat. If the proposed zoning is not in compliance with the approved Comprehensive Plan or further explanation and details about the proposed use are needed in order for the Joint City-County Planning Commission to make an informed decision on the proposed zone change a detailed development plan and any additional details deemed necessary by the Planning Commission will be required. All applications for zoning map amendments and approval of subdivision plats that meet the aforementioned criteria shall require the submission and approval of both a preliminary development plan and a final development plan prior to development of the property.

(B) Preliminary development plan may be waived under certain conditions. If recommended by the planning staff of the city, the Planning Commission may waive the filing and approval of a development plan in connection with a zoning proposal, if the Planning Commission finds that development of the subject property would neither involve nor create significant flood, drainage, sewage, traffic, topographic or other similar problems; provided, however, if the city planning staff, the Superintendent of the Street and Sanitation Department, the Manager of the City Water and Sewer Commission and the Superintendent of the city's Electric Plant Board all concur that no significant problems related to flood, drainage, sewage, traffic, topographic or other similar problems are presented or create affecting the subject property or other property in the area in connection with a proposed zoning map amendment for which no present development is proposed for the property, then no preliminary development plan shall be required for a zoning map amendment.

(C) Development plans are required by the zoning ordinance to permit more than one principal structure and its accessory structures on a lot or parcel of land and shall be submitted to the Joint City-County Planning Commission, in accordance with the provisions of this subchapter.

(D) (1) Development plans required for multi-business structures.

(2) Development plans are required by the zoning code to permit construction of multi-business structures and shall be submitted to the Joint City-County Planning Commission, in accordance with the provisions of this subchapter.

(E) Development plans required whenever building permit issued. A development plan shall be required to accompany any building permit application filed to construct a building on property zoned anything other than residential; provided however, the City Building Inspector may issue a building permit without approval of the Joint City-County Planning and Zoning Commission if the following conditions are satisfied:

(1) If and only if the parcel on which the building is to be constructed contains one acre or less, in which case a grading plan with proposed erosion control plans will be required in accordance with Section 152.16(A)(2);

(2) A plan has been submitted and reviewed by the city's Building Inspector, the Superintendent of the Street and Sanitation Department, the manager of the city's Electric Plant Board, the Manager of the city's Water and Sewer Commission and Fire Chief of the city's Fire Department; and

(3) Each certifies that there are not existing or potential substantial flood, drainage, sewage, traffic, topographic or other similar problems relating to the development of the subject property that could have an adverse influence on existing or future development of the subject property or other property in the neighborhood.

(1989 Code, § 152.17) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026 passed 8-23-1993)

(F) Borrow / Back Fill sites are classified as any site over 10,000 square feet where fill material is either being excavated or deposited with no intention of any immediate site development improvements to the site. Approval of any such site shall be at the discretion of the Planning Commission Staff, City Building Inspector, and the Superintendent of Public Works and must adhere to the following:

(1) Borrow / Back Fill sites are only allowed in commercial and industrial zones; and

(2) Plans be submitted to the aforementioned City Officials which include existing topography, final grading, erosion control measures, including measures to ensure no substances of any kind be tracked onto public roadways.

§ 152.18 DEVELOPMENT PLAN PROCEDURES

The procedure for Joint City-County Planning Commission consideration of any development plan shall be as follows.

(A) *Pre-Application Meeting.* Prior to development plan submittal and filing of an application the developer, or party representing the developer, the developer's engineer, and the general contractor, or representative of the general contractor shall schedule a pre-application meeting with the Joint City-County Planning Commission staff. The purpose of the pre-application meeting is to allow the Joint City-County Planning Commission staff to discuss the effect of the Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, Best Management Practices Manual, and any other land development regulations upon the proposed development. This meeting will also provide the applicant with a general idea of the feasibility of the project before making commitments for more extensive project planning and development with regards to drainage, construction and sediment control measures.

(B) *Filing.* To request the Joint City-County Planning Commission official action on the development plan, the developer shall file with the Joint City-County Planning Commission a completed application form, filing fee and copies of the plan as required by the terms and conditions of the Joint City-County Planning Commission's application form. The Joint City-County Planning Commission staff will make the submitted copies of the plan available to all other concerned agencies.

(C) *Review.* The Joint City-County Planning Commission staff and concerned agencies shall review the development plan and seek a consensus on all issues. Documentation of agency review shall be available upon request. The Joint City-County Planning Commission staff will then forward its recommendations and those of the concerned agencies to the Joint City-County Planning Commission.

(D) *Joint City-County Planning Commission action.*

(1) No development plans shall be considered for action by the Joint City-County Planning Commission they have been reviewed by the Joint City-County Planning Commission staff and concerned agencies (including but not limited to all utilities, the Street Department, Fire Department and the like), and recommendations have been forwarded to the Joint City-County Planning Commission. All development plans shall be approved or disapproved within 90 days of the date they are formally filed for Joint City-County Planning Commission action unless the developer agrees to a longer time period.

(2) The Joint City-County Planning Commission will review recommendations of the staff and concerned agencies and then act for approval, conditional approval with the conditions noted, postponement or disapproval. The Joint City-County Planning Commission may modify or disapprove the development plan if it finds the plan does not comply with the requirements of the zoning ordinance, and when applicable, the subdivision regulations; or if it finds there are existing or potential substantial flood, drainage, sewage, traffic, topographic or other similar problems relating to the development of the subject property. Reasons for action of postponement or disapproval shall be fully incorporated in the Joint City-County Planning Commission's minutes. The following actions by the Joint City-County Planning Commission shall have the meaning so stated.

(a) *Approval.* The development plan is ready to be certified by the Joint City-County Planning Commission chair and Secretary with no further corrections or revisions of the plan required from the developer.

(b) *Condition approval.* The development plan cannot be certified by the Joint City-County Planning Commission Chair and Secretary until the developer has complied with the conditions of approval set forth in the record of the Joint City-County Planning Commission action on the plan.

(c) *Postponement.* The Joint City-County Planning Commission has deferred action until some future Joint City-County Planning Commission meeting in order that certain clarification can be made in regard to the development plan. No completely new re-submittal is required of the developer as is the case for disapproval.

(d) *Disapproval.* The Joint City-County Planning Commission has disapproved the plan. To request new review and action, the developer must file a new application along with a filing fee, plan copies and other material as required under this subchapter.

(E) *Certification of approval.* Within six months of Joint City-County Planning Commission approval, unless a time extension has been granted previous to the expiration date, the following steps shall be completed or else Joint City-County Planning Commission approval becomes null and void.

(1) The developer shall fully comply with any conditions of approval placed on the plan by the Joint City-County Planning Commission and submit the completed original tracing of the plan to the Joint City-County Planning Commission.

(2) The plan shall be certified by the Joint City-County Planning Commission Chair and Secretary if it is in conformance with all requirements. The Joint City-County Planning Commission staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer and return the original plan tracing to the developer.

(3) In conjunction with any request by the developer for a time extension or re-approval of an expired plan, the Joint City-County Planning Commission may require changes in the development plan when it finds that time has necessitated such changes for the health, safety and welfare of the residents of the community, or when applicable ordinances and regulations have been changed.

(F) *Timing restrictions.* The following timing restrictions shall be applicable to development plans:

(1) Final development plans shall be submitted for Joint City-County Planning Commission consideration within two years of the date of Joint City-County Commission action on a preliminary development plan, otherwise, no further building permits shall be issued unless and until the plan is re-approved by the Joint City-County Planning Commission.

(2) The developer shall be required to obtain building permits for all structures shown on a final development plan within five years of the date of Joint City-County Planning Commission action on the development plan, otherwise, no further building permits shall be issued unless and until the plan is re-approved by the Joint City-County Planning Commission.

(1989 Code, § 152.18) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026, passed 8-23-1993)

§ 152.19 TYPES OF DEVELOPMENT PLANS.

There shall be a preliminary development plan and a final development plan, defined as follows:

(A) *Preliminary development plan.* A preliminary development plan is a site plan by which, at the early stages of development design, the Joint City-County Planning Commission may consider, approve and restrict many major aspects of the development without requiring an undue amount of final design work on the part of the developer. The preliminary development plan is less detailed and specific than a final development plan in terms of exact arrangement of buildings, parking areas, open spaces access points and any other site design features. No building permits can be issued based upon a preliminary development plan.

(B) *Final Development Plan.* A final development plan is a site plan from which a building permit will be sought. A final development plan is intended to deal with site design issues at a detailed level and to actually dictate the approved locations of buildings, parking areas, open spaces, access points and any other site design features.

(1989 Code, § 152.18) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026, passed 8-23-1993)

§ 152.20 CONTENT AND FORMAT OF DEVELOPMENT PLANS

(A) All development plans shall be designed with the following criteria in regards to storm water management:

(1) The developer is responsible for all surface and sub-surface drainage of the proposed development. The developer shall provide for such drainage in a manner as to properly relieve storm waters from the development without obstructing existing drainage patterns or increasing runoff onto adjacent properties, including city maintained right-of-way.

(2) In any case where post development storm water runoff is determined by the developer's engineer to exceed pre-development runoff on-site detention, either by means of drainage structures, underground detention or a detention basin, will be required.

(a) All development plans and grading plans required by Section 152.16(A)(2) shall have both pre-development and post-development storm water runoff calculations clearly indicated on the plans.

(b) All drainage structures and facilities (pipes, culverts, drop boxes, ditches, etc.) shall be designed to accommodate one hundred (100) year rain event.

(c) Detention basins shall be designed by a professional engineer licensed in the State of Kentucky. Design calculations for detention basins shall be provided to the Joint City-County Planning Commission.

(1) The detention facilities shall be of sufficient height to provide necessary water detention. It shall consist of an inlet structure, low flow pipe, emergency spillway and energy dissipater if required to control discharge.

(2) Side slopes shall not exceed maximum slope of 3 foot horizontal to 1 foot vertical (3:1) on the upstream side of the dam if it is to have a grass covering or a maximum slope of 2 foot horizontal to 1 foot vertical (2:1) if it is to be rock. The downstream side of the dam shall have a maximum slope of 3 foot horizontal to 1 foot vertical (3:1).

(3) A standard concrete headwall to disperse the water flow from an outlet structure will be sufficient if outlet velocities do not exceed four (4) feet per second.

(4) Energy dissipaters will be required for all outlet structures where outlet velocity exceeds four (4) feet per second to protect the downstream channel from eroding. Reference the adopted Best Management Practices Manual for additional erosion control requirements regarding detention basins.

(5) No overtopping of the emergency spillway is to occur and detention facilities are to be designed in such a way as to prevent it.

(6) Refer to Article 1004.1 of the subdivision regulations for additional detention basin requirements.

(d) In the event that pre-development and post development calculations provided by the developer's engineer are found to be inaccurate any time after approval of the final development plan the developing property owner shall be held liable for any and all damages incurred and corrective measures to be initiated.

(e) The developing property owner shall be held liable for any and all failures of drainage structures, underground detention, or detention basins resulting from any on-site occurrences resulting from design flaws of the development plans.

(f) In the event that drainage structures, underground detention, or detention basins fail due to improper installation, the developing property owner shall be held liable for any and all damages incurred and corrective measures to be initiated.

(g) In the event that any drainage structure or facility fails, the City of Glasgow shall not be held responsible for any damages to adjacent properties relating to the site at which the drainage structure or facility fails.

(h) Refer to Article 1004.2 of the subdivision regulations for specifications regarding drainage ditch design.

(i) A means of access (easement or access ways) shall be provided to all proposed storm water facilities for maintenance. Any and all easements to be maintained (mowed, cleared of debris, standard up-keep) by the current property owner.

(j) Maintenance (mowing, clearing of debris, standard up-keep) of drainage structures or facilities is the sole responsibility of the current property owners. However, in any case where events such as those mentioned in Section 152.20 (A)(2)(d), (e), and (f) occur, the developing property owner shall be held liable for any corrective actions.

(k) If downstream or bordering drainage facilities on offsite properties are found to be inadequate due to onsite drainage improvements onsite improvements may be required.

(l) Strict conformance to these regulations does not relinquish the developer / property owner from liability concerning any damages to adjacent property owners, including City maintained right-of-way that may occur.

(m) In the event that the Joint City-County Planning Commission or the Superintendent of the Street Department present logical findings for not having detention (soil conditions, excessive slopes, etc.) the runoff detention requirement may be waived.

(B) All development plans shall be prepared by Mylar or other material capable of clear reproduction using Ozalid print process. Plans shall be legible and of a size and scale (generally not exceeding one inch = 100 feet) which enables clear presentation of required information.

(C) Required plan information shall be as follows:

(1) *Contents of preliminary development plan.* A preliminary development plan shall contain the following information at a minimum:

- (a) A title block containing the plan name, development plan type (preliminary or final), name and address of developer and plan preparer and a written and graphic scale;
- (b) The boundary of the subject property, acreage or square footage of development, easements and setbacks, and the zoning and owner names for all adjoining property;
- (c) Vicinity sketch, oriented in the same direction as the design scheme;
- (d) Topography with one (1') foot or two (2') foot contour intervals, or spot elevations of sufficient detail to generally describe the lay of the land;
- (e) Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, dumpster pads, points of ingress and egress and other vehicular and pedestrian right-of-way;
- (f) Location, profiles and cross sections of any proposed or existing streets or deceleration lanes, when deemed necessary by the Joint City-County Planning Commission or Superintendent of the Street Department, within or abutting the subject property;
- (g) Screening, landscaping (as required by Section 158.029 of the City of Glasgow Zoning Ordinance), recreational and other open spaces;
- (h) Approximate size, location, height, floor area, area arrangement and use of proposed and existing buildings and signs;
- (i) Location of proposed lot lines for projects anticipated to involve land subdivision;
- (j) Storm drainage areas, floodplains, conceptual drainage controls and storm water retention, as required by Section 152.20 (A), and any other designated environmentally sensitive or geologic hazard areas;
- (k) The plan must show and / or describe direction of all storm water runoff;
- (l) Type and location of all existing and proposed drainage structures and facilities, constructed or natural;
- (m) Existing and proposed finished floor elevations (FFE);

- (n) Scale, north arrow and benchmark tied to USGS;
- (o) Location of all FEMA flood hazard areas;
- (p) Summary table for all pipe and ditch calculations;
- (q) Erosion control plan that meets the guidelines required by the adopted Best Management Practices Manual;
- (r) Proposed and existing easements for utilities or other purposes, locations of sanitary sewers including lengths and alignments of laterals;
- (s) Areas of substantial existing trees including those located along fencerows and drainage areas, along with a general description of the type and size of the trees;
- (t) A statistical table summarizing all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, pre-development storm water runoff and post-development storm water runoff, and the like;
- (u) For projects of one acre or more in area; A note stating that no grading, stripping, excavation, filling or other disturbance of the natural ground cover shall take place unless and until the Joint City-County Planning Commission or the city's Superintendent of Public Works has approved the developer's proposed soil erosion control procedures and, if required, a soil erosion control plan;
- (v) A note stating that no building permits shall be issued unless and until a final development plan is approved by the Joint City-County Planning Commission;
- (w) An owner's certification, signed and witnessed as follows: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown hereon, and do adopt this as my (our) development plan for the property."; and
- (x) A Joint City-County Planning Commission certification to be signed by the Joint City-County Planning Commission Chair and Secretary if and when the plan is fully approved, as follows: "We do hereby certify that this development plan was approved by the Joint City-County Planning Commission at its meeting held on (date)". In the absence of this note the approved minutes of the Joint City-County Planning Commission will be sufficient.

(2) *Contents of final development plan.* A final development plan shall contain all information as required for preliminary development plans under the sections above, except that the plan information shall be of an exact nature, rather than approximate or general.
(1989 Code, § 152.20) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026, passed 8-23-1993)

§ 152.21 AMENDMENTS TO DEVELOPMENT PLANS

(A) Amendments to approved development plans can be made only by official Joint City-County Planning Commission action in a public hearing. Contents, format and procedures shall be as for the original submission.

(B) However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the Joint City-County Planning Commission's designated agent without further action by the Joint City-County Planning Commission.

(1) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MINOR AMENDMENTS. To expedite approval in those situations where amendments are of a minor significance and generally relate to the shifting of previously approved spaces. The amendments:

1. May be approved by the Planning Commission Director where the amendments are not inconsistent with the adopted binding elements for the general development plan and where the cumulative effect of the amendments results in less than 10% variation in gross floor area and/or less than 5% of the total yard area provided in the adopted final development plan;
2. Would eliminate, alter or add adopted binding elements or which exceed the maximum variations which may be approved by the Planning Director under division (B)(1)(a) of this section, shall be approved by the Planning Commission only after a public hearing, properly held in the same manner as for the original approval of the general development plan;
3. Shall not change the location or cross section of any street and shall not increase the number or change the location of street access points on arterial or high traffic collector streets; and
4. May include a reduction in parking spaces only when as associated reduction in floor area or number of dwelling units would permit a lesser number of minimum required off-street parking spaces than required for the original development plan. To qualify as a minor amendment, this reduction may be equal to but not exceed the difference in minimum required parking between the original plan and the proposed minor amended plan. For any case, where parking in excess of the minimum requirement was provided on the original development plan, that same number of spaces shall be provided in excess of the minimum requirement for the proposed minor amendment plan.

(2) *Procedure for minor amendments.*

(a) *Filing.* To request approval of minor amendments to development plans, the developer shall file with the Joint City-County Planning Commission a completed application form, filing fee and copies of the plan as required by the terms and conditions of the Joint City-County Planning Commission's application form. The Joint City-County Planning Commission staff will make the submitted copies of the plan available to all other concerned agencies.

(b) *Review.* Joint City-County Planning Commission staff shall review the plan for compliance with all applicable requirements and ordinances and shall consult with concerned agencies as appropriate to assure proper plan review. Upon determination that all requirements have been met, the Joint City-County Planning Commission or its authorized agent shall certify the plan as approved. If any question arises as to compliance, however, the plan shall be referred to the Joint City-County Planning Commission for action.

(c) *Certification.* Upon certification of approval by the Joint City-County Planning Commission or its agent, Joint City-County Planning Commission staff shall have copies of the plan prepared and distributed to other public agencies at the expense of the developer and return the original plan tracing to the developer.

(3) *Content and format of minor amendments.* Minor amendments shall have the same content and format requirements as the original development plan, except that:

(a) The title shall indicate the plan is a minor amendment;

(b) A note shall be added listing the exact nature of the requested changes; and

(c) The following will be the required language for certification by the authorized agent of the Joint City-County Planning Commission: "I do hereby certify that this development plan amendment complies with the Zoning ordinance provisions regarding amendments to development plans."

(1989 Code, § 152.21) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026, passed 8-23-1993)

§ 152.22 RELATIONSHIP TO SUBDIVISION REGULATIONS.

The relationships between development plans and the subdivision regulations are established as follows:

(A) *Applicability of subdivision regulations.* Although development plans are not subdivision plats, quite often the development plan does indicate a need or intent to subdivide property. For any such development plan, the design and improvement standards contained within the subdivision regulations shall be applied to proposals contained on the development plan.

(B) *Development plans required by the subdivision regulations.* Development plans required by the subdivision regulations are required to conform with the provisions of this subchapter.

(C) *Plats: substitutions.* Preliminary or final subdivision plat may be substituted for development plans required in conjunction with map amendment requests. It is recognized that in certain cases a preliminary or final subdivision plat would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than would a development plan. Generally, the situations involve developments where placement of structures will be tightly controlled by the streets, lot pattern and requirements for placement of structures within the zone and where the developer sees fit to have plans prepared at the required level of detail for subdivision plats prior to receiving a zone change approval. When a developer is required at the discretion of the Joint City-County Planning Commission

to provide a development plan in conjunction with a zoning map amendment request, the developer may file a subdivision plat in place of the development, plan if deemed appropriate by the Joint City-County Planning Commission and Joint City-County Planning Commission staff. In any disputed case, the Joint City-County Planning Commission shall be the final judge as to whether a development plan or a subdivision plat is required. Development plans required by this subchapter for zoning change requests, all zoning map amendments or approval of a subdivision plat may be combined with subdivision plats where appropriate, but such a development plan shall not be replaced by a subdivision plat alone. (1989 Code, § 152.22) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026, passed 8-23-1993)

§ 152.23 APPLICATION OF PROVISIONS.

This subchapter and the requirements thereof shall not apply to any applications for zoning map amendment, approval of subdivision plats or building permit applications filed on or before November 25,1991; it shall apply to all filings after November 25,1991. (1989 Code, § 152.23) (Ord. 1975, passed 9-28-1992; Am. Ord. 2026, passed 8-23-1993)