

ARTICLE XVII – PLANNING COMMISSION

SECTION 17.0 – GENERAL: The *Planning Commission* shall be regulated by KRS 100.133 to 100.182.

SECTION 17.1 – COMPREHENSIVE PLAN: The *Planning Commission* shall prepare a *Comprehensive Plan*, which shall serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships. The required contents, research and elements of the *Comprehensive Plan* shall be regulated by KRS 100.183 to 100.197.

SECTION 17.2 – LAND USE MANAGEMENT: Land *use* management shall be regulated by KRS 100.201 to 100.214.

- A. **CONTENT OF ZONING REGULATIONS, APPEAL, AND SPECIAL PROVISIONS:** Shall be regulated by KRS 100.203.
1. In accordance with KRS 100.203, an applicant, at the time of filing of the application for a map amendment, may elect to have any *variances* or *conditional use permits* for the same development to be heard and finally decided by the *Planning Commission* at the same public hearing set for the map amendment, or by the *Board of Adjustment* as otherwise provided for in this ordinance.
 2. Application to review a *variance* and *conditional use permit* shall include submission of a *Development Plan*, in accordance with the applicable requirements of Section 9.20 (A) of this ordinance. In review and approval of said application, the *Planning Commission* shall assume all powers and duties otherwise exercised by the *Board of Adjustment*, pursuant to KRS 100.231, 100.233, 100.237, 100.241, 100.243, 100.247, and 100.251.
- B. **AMENDMENT PROCEDURE:** A request for a map or text amendment shall be made by completing an application provided by the City of Bellevue. The procedure for amending the zoning map or text shall be regulated by KRS 100.211 to 100.214.
- C. **MINIMUM SIZE OF NEW ZONES:** No amendment to this ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size: the zoning map shall not be amended, changed, or modified in such a manner as to create a free standing *zone* of less than one (1) acre except where specific area restrictions are stipulated in this ordinance, or as outlined in the adopted *Comprehensive Plan* by the *Planning Commission*. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights-of-way interior to the area being changed; (2) one-half the area of public rights-of-way abutting the area being changed; (3) the area of any land which is contiguous to the area being changed (including land located outside the jurisdiction of the legislative body but contiguous thereto and which land already bears the zoning classification sought for the area being changed. For the purpose of this section, neither continuity nor abutment shall be destroyed by the existence of a street, *alley*, or *City's* corporation line.

- D. SUBMISSION OF DEVELOPMENT PLAN AS A CONDITION TO COMMERCIAL, MULTI-FAMILY RESIDENTIAL, OR INDUSTRIAL ZONING MAP AMENDMENT: Any request for a zoning map amendment, excluding those submitted by the legislative body (other than for a *zone* change for land under *City* ownership that the *City* intends to develop) and the *Planning Commission*, to any *commercial zone*, multi-family *residential zone*, or *industrial zone* shall be made in accordance with all applicable requirements of this ordinance, including the following:
1. APPLICATION AND PROCESSING: Application for a zoning map amendment shall be processed in two stages:
 - a. In addition to the amendment application filing requirements, as provided for in Section 17.2 (B) of this ordinance, an application for a zoning map amendment shall also be filed with the *Zoning Administrator* and shall include a *Development Plan* indicating the applicable requirements of Section 9.20 (A) or (B) of this ordinance. The *Zoning Administrator* may waive the submission of such data involving detailed engineering study until such time as the zoning amendment has been granted.
 - b. The *Planning Commission* shall hold a public hearing on the proposed application and review said application with regard to the required elements of the *Development Plan*, and other applicable requirements of this ordinance. Upon holding such a hearing, the *Planning Commission* shall make one of the following recommendations to the legislative body: approval, approval with condition(s), or disapproval. The *Planning Commission* shall submit, along with their recommendations, a copy of the *Development Plan* and the bases for their recommendation.
 - c. The legislative body shall, within ninety (90) consecutive days after receiving the recommendations of the *Planning Commission*, review said recommendations and take action to approve or disapprove the proposed *Development Plan*. Such approval may incorporate any conditions imposed by the *Planning Commission*. However, should the legislative body take action to impose different conditions than were reviewed and recommended by the *Planning Commission*, then said conditions shall be resubmitted to the *Planning Commission* for further review and recommendations, in accordance with the process required for the initial review.
 - d. The legislative body shall forward a copy of the approved *Development Plan* to the *Zoning Administrator*, or the *City's* duly authorized representative, for further processing, in accordance with the applicable requirements of this ordinance.
 - e. If the detailed engineering data required under 9.20 (A) or (B) of this ordinance had been waived by the *Zoning Administrator* in the initial submission of the *Development Plan*, then such data shall be submitted for review in accordance with the requirements of Section 9.19 of this ordinance before a permit may be issued for construction.

The *Zoning Administrator*, in reviewing the *Development Plan*, may authorize minor adjustments from the approved *Development Plan*, provided that the adjustments do not: affect the spatial relationship of *structures*, change land *uses*, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.

2. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the *Zoning Administrator* as noted above, shall be made in accordance with the procedure required by this ordinance, subject to the same limitations and requirements as those under which such plans were originally approved.

3. EXPIRATION: The zoning map amendment shall be subject to the time constraints as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the *Planning Commission*, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the *Development Plan* by the legislative body, provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved *Development Plan* obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the *Development Plan*.

SECTION 17.3

RESERVED

SECTION 17.4

RESERVED