

## 8.6 Development Plan

### 8.61 Intent and Purpose

The purpose of this section is to establish and define ~~objective standards for development plans which may be utilized for a wide variety of planning related procedures shall be applied ministerially~~. This section outlines the content and procedure for submission, review, and approval, of all development plans required by the Zoning Ordinance ~~and, the Subdivision Regulations, and by Kentucky Revised Statutes (KRS) Chapter 100.275 unless another procedure or different contents are specified elsewhere in this Zoning Ordinance.~~

### 8.62 Approval of Development Plan Before Building Permit

For any case where a development plan is required by this Zoning Ordinance, no building permits shall be issued until a final development plan is approved by the ~~planning commission~~ approving authority as specified in this ordinance, referenced in 8.64(c). ~~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.~~ All subsequent permits (i.e. building, zoning, etc.) shall adhere to the land use, location, construction, design details, conditions, etc. as set forth in the approved development plan.

### 8.63 Where Required

Development plans shall be required ~~as follows~~ whenever a new principal structure(s) is proposed on a lot or parcel, in order to ensure that all objective standards and dimensional requirements are being adhered to. The dimensional requirements are found within each zoning district. Development plans are also subject to the following:

8.63(a) *Development Plans in Conjunction with Zone Map Amendment Requests*—Development plan approval shall be required with any zoning map amendment request.

8.63(a)(1) All applications for zoning map amendments shall require the submission and approval of both a preliminary development plan and a final development plan prior to development of the property. ~~The preliminary development plan may be submitted in conjunction with the zoning map amendment request, but is not required. However, a~~ preliminary development plan shall be submitted alongside the zoning map amendment application, in order to assist in describing the potential development associated with the request. The approval of the preliminary plan shall be contingent upon the zone map amendment being finalized and approved. A certified plat, identifying the parcel to be rezoned and indicating bearings and distance with the accompanying written boundary description must also be submitted with the ~~Zone Map Amendment request application~~.

8.63(a)(2) ~~The commission in its discretion may waive requirement for the submission and approval of a preliminary development plan, a final development plan, or both, if the commission finds that there will be minimal impact on the neighborhood or the subject property.~~ The Planning Commission shall review variance requests associated with a development plan submitted in conjunction with a zone map amendment application.

8.63(b) *Development Plans Required for Containing Multiple Principle Principal Structures As Permitted By Outlined in Section 8.3*—Development plans required by section 8.3 to permit more than one principal structure and its accessory structures on a lot or a parcel of land shall be submitted to the commission, in accordance with the provisions of this article. Development plans must adhere to Section 8.3 of this Zoning Ordinance, permitting only one principal structure on a single lot or parcel, a variance may be requested allowing more than one principal structure on a lot or parcel. The Board of

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Adjustments shall be responsible for hearing the variance request. However, the Planning Commission may review a variance request as outlined in Article 8.63(a)(2) above.

(Ord. No. 18-2008, § 9-2-08)

#### 8.64 Development Plan Procedures

~~The following shall be the procedure for Planning Commission consideration of any development plan. The purpose of this section is to outline the process of filing, reviewing, and approving both a preliminary and final development plan. A more detailed outline of procedural and content requirements are found within Articles III and IV of the *Development and Subdivision Regulations of Winchester/Clark County*.~~

8.64(a) *Filing*—To formally request ~~planning commission~~ action on the development plan, the developer shall file ~~three (3) completed copies of the plans required by the commission~~ a completed application with the accompanying fee, and at least one (1) paper copy and one (1) digital copy of the plan(s) required by this ordinance and the *Development and Subdivision Regulations for Winchester/Clark County*.

8.64(b) *Review*— ~~The planning commission staff and concerned agencies shall review the development plan, and make recommendations to the commission's subdivision committee. The subdivision committee will review all recommendations, and then forward their recommendations to the commission. A Technical Review shall be scheduled with representatives from all parties involved in the application, as well as from public safety institutions such as engineering, building, fire, police, public works, utilities and the like. Development Plans found to satisfy all objective standards outlined in this ordinance and within the development and subdivision regulations shall be approved by the approving authority as determined by Section 8.64(c) below.~~

8.64(c) *Commission Action* Approving Authority— The approving authority for development plans meeting the minimum requirements as outlined in this ordinance and within the *Development and Subdivision Regulations for Winchester/Clark County* shall be Planning Staff. When discretion is needed due to circumstances referenced in KRS Chapter 100.241, 100.243, and 100.275 the approving authority shall be the Board of Adjustments, a variance is required for such an application. As referenced in Article 8.63 (a)(2), the Planning Commission shall be the approving authority for variances involving development plans associated with a zone map amendment application. No development plans shall be considered for action by the ~~commission~~ approving authority until ~~they have been reviewed by the subdivision committee~~ a *Technical Review* has been held, as outlined in Section 8.64(b) above. All development plans shall be approved or disapproved within ninety (90) days of the date ~~they are the completed application has been~~ formally filed ~~for commission action~~. However, in case of a development plan filed in conjunction with a map amendment request, the ~~approving authority~~, may postpone action of the development plan until after the legislative body has ~~made its decision taken final action~~ on the map amendment request.

~~The commission will review the subdivision committee's recommendation and then act for approval, conditional approval with conditions noted, postponement, or disapproval. The commission~~ The approving authority, may modify, approve with conditions, postpone, or disapprove the development plan if ~~it finds~~ the plan does not comply with the requirements of the Zoning Ordinance, ~~and/or when applicable, the land~~ development and subdivision regulations, or if ~~it finds there are~~ existing or potential substantial flood, drainage, traffic, topographic or other similar problems relating to the development of the subject property ~~poses a threat to the public health, safety, or welfare in the affected area.~~

#### 8.65 Types of Development Plans

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

8.65(a) *Preliminary Development Plans*—A preliminary development plan is a site plan ~~by which, at the early stages of development design, the 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. ~~The Approving Authority may waive the requirement for a preliminary development plan when the plan submitted meets the more stringent requirement of a final development plan.~~

8.65(a)(1) *Contents Of Preliminary Development Plan*—~~A preliminary development plan shall contain the following information at a minimum: Article IV of the Development and Subdivision Regulations provides the content and format of development plan materials and the information which must be placed thereon. See Article IV for more information.~~

- ~~(1) A title block containing the plan name, development plan type, name and address of developer and plan preparer; and written scale;~~
- ~~(2) The boundary of the subject property and the record plan name or owner's name of all adjoining property;~~
- ~~(3) A vicinity sketch, oriented in the same direction as the design scheme;~~
- ~~(4) Topography with contour intervals as shown on the available USGS sheets;~~
- ~~(5) Location, arrangement, and approximate dimensions of existing and proposed driveways, walkways, parking areas and arrangement of spaces, points of ingress and egress, and other vehicular and pedestrian right of way;~~
- ~~(6) Location of any proposed or existing streets within or abutting the subject property;~~
- ~~(7) Screening, landscaping, buffering, recreational, and other open space areas;~~
- ~~(8) Approximate size, location, height, floor area, area arrangement and use of proposed existing buildings and signs;~~
- ~~(9) Storm drainage areas, floodplains, conceptual drainage controls and storm water retention and any other designated environmentally sensitive or geologic hazard area;~~
- ~~(10) Proposed and existing easements for utilities or other purposes;~~
- ~~(11) Areas of substantial existing trees including those located along fence rows and drainage areas along with a general description of the type and size of such trees;~~
- ~~(12) A statistical summary of all pertinent site data, including site area, zoning, building coverage and floor area, parking, open space, etc.~~
- ~~(13) 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."~~
- ~~(14) A commission's certification to be signed by the commission's secretary if and when the plan is fully approved, as follows: "I do hereby certify that this development plan was approved by the planning commission."~~

8.65(b) *Final Development Plan*—A development 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 building, parking areas, open spaces, access points and any

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other site design features, that vary from those requirements for the uses permitted and regulated by the dimension and area requirements for that zoning classification.

8.65(b)(1) Contents of Final Development Plan—All information required for ~~preliminary final development plans as required under sections 8.65(a), numbers 1 through 14 above are found in Article IV of the Development and Subdivision Regulations,; and that The plan information~~ final development plan shall be of an exact nature, rather than approximate or general.

#### 8.66 Amendments to Development Plans

Amendments to approved development plans ~~can~~ shall be made only ~~by official planning commission action through official application. A new application and fee must be submitted to the Planning Office for all amendments to previously approved development plans. Content and format and procedures~~ The procedure, as well as the content and format regulations, as outlined in this ordinance shall be ~~as for the same as the original submission. However, amendments which fully meet the requirements set forth hereinafter for minor amendments may be approved and certified by the commission's staff without further action by the commission.~~

*8.66(a) Minor Amendments Defined*—Minor amendments are intended to expedite approval in those situations where amendments are of minor significance and generally relate to the shifting of previously approved spaces. Such amendments (1) shall not decrease the overall land area in yards, or other open spaces; (2) shall not increase building ground area coverage, floor area, or height; or increase the number of dwelling units; (3) shall not increase the number or size of signs; (4) shall not change the location of any street and shall not increase the number, or change the location of street access points; except that shifts in the approved access location not exceeding twenty-five (25) feet ~~may be approved as a minor amendment where the access point is not located on an arterial street.~~

#### 8.67 Development Plans and Preliminary Subdivision ~~Plan Plat~~ May be Combined

It is recognized that for certain development situations it can be advantageous to both the developer and the ~~commission approving authority~~ to combine the functions and requirements for development plans and preliminary subdivision ~~plans plats~~ in order to streamline the development approval process while not reducing the quality of the review.

#### 8.68 Preliminary or Final Subdivision ~~Plan Plat~~ May be Substituted for Development Plans Required in Conjunction with Map Amendment Request

It is recognized that in certain cases, a preliminary or final subdivision ~~plan plat~~ would be as appropriate or more appropriate to be considered in conjunction with a map amendment request than a development plan. Generally, such situations involve developments where placements of structures will be tightly controlled by the streets, lot pattern, and the 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 plans prior to receiving a zone change approval.

(Ord. No. 36-87, § 1, 12-10-87)