

SECTION 10.13 SDA SPECIAL DEVELOPMENT AREA ZONE

- A. **PURPOSE:** The purposes of the Special Development Area (SDA) Zone are to: allow mixed land uses, within a planned and architecturally unified development, which will be compatible with the adjacent residential areas of the city; allow developments which will link the older residential areas of the city, city parks, the public library, schools, and municipal buildings, via pedestrian, bicycle, and vehicular access; create an area that is conducive to pedestrian and vehicular traffic movement; allow development at a small scale, with a town-like setting, which is pedestrian oriented; and provide for an area which supplements or serves adjacent areas without having an adverse impact on adjacent areas; but always with the intention of furthering the public health, safety, and general welfare.
- B. **APPLICATION AND PROCESSING:** Applications for development within a Special Development Area (SDA) Zone shall be processed as follows:
1. Applications for a map amendment to zone an area SDA shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Subsection C., herein, for the entire area under single ownership.
 2. When a site is proposed to be developed within an area which is currently zoned SDA, a Stage I Development Plan for the entire area under single ownership, as regulated by Subsection C., herein, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or significant change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure. Development shall also not include the change of use within an existing structure where the change of use is between similar land use types (i.e. residential to residential, real estate office to insurance office, etc.) and where the change of use does not require building additions or additions in required off-street parking areas.
 - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Special Development Area (SDA) Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Upon holding such hearing, the planning

commission shall, within ninety (90) days after the completion of the public hearing, take action to approve, disapprove, or approve with conditions, the Stage I Development Plan.

3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Subsection D., herein, and submitted to the planning commission for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Subsection D., herein, shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission shall review the submitted Stage II Development Plan with regard to its compliance with the required elements of Subsection D., herein, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. Following review of the submitted Stage II Development Plan, the planning commission shall take action to approve, disapprove, or approve with conditions, the Stage II Development Plan. The planning commission, in approving the Stage II Development Plan, may authorize minor adjustments from the approved Stage I Development Plan, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.
 - b. Upon planning commission approval of the Stage II Development Plan, a copy of said plan shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the approved Stage II Development Plan and other regulations as may be required by this ordinance.
- C. STAGE I DEVELOPMENT PLAN REQUIREMENTS: The Stage I Development Plan shall identify and provide the following information, where applicable:
1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The total area in the project

- b. The present zoning of the subject property and all adjacent properties
- c. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned
- d. Existing and proposed topography shown by contour with intervals not to exceed five (5) feet
- e. All existing and proposed housing units on the subject property:
 - (1) Detached housing - location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings
 - (2) Attached housing - location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable
- f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property
- g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas
- h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimension
- i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades
- j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions
- k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service

- l. Certification from appropriate water and sewer agencies that services will be available
- m. Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls
- n. Location of signs, indicating their orientation and approximate size and height
- o. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems
- p. A schedule of development, including the staging and phasing of:
 - (1) Residential areas, in order of priority, by type of dwelling unit
 - (2) Streets, utilities, and other public facility improvements, in order of priority
 - (3) Dedication of land to public use or set aside for common ownership
 - (4) Non residential buildings and uses, in order of priority

The information required in items a through p, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

D. **STAGE II DEVELOPMENT PLAN REQUIREMENTS:** The Stage II Development Plan shall identify and provide the following information, where applicable:

- 1. Plan(s) of the subject property drawn to a scale not smaller than one (1) inch equals one hundred (100) feet showing:
 - a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission
 - b. All housing units on the subject property:
 - (1) Detached housing - Location, arrangement and number of all lots, including exact lot dimensions and setbacks, and maximum height of buildings

- (2) Attached housing - Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location and arrangement of all lots with exact lot dimensions
- c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions
- d. All common open space areas, including identification of planting areas and the location and arrangement of all recreational facilities
- e. Landscaping features, including identification of planting areas and the location, type and height of walls and fences
- f. Location of signs indicating their orientation and size and height
- g. All utility lines and easements:
 - (1) Water distribution system, including pipe sizes, width of easements, types of pipe, location of hydrants and valves, and other appurtenances
 - (2) Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances
 - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property
 - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width of easements
- h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces

- i. Circulation System:
 - (1) pedestrian walkways, including alignment, grades, type of surfacing and width
 - (2) streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections
- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction
- k. The schedule of development staging and phasing in accordance with the requirement in Subsection B., 3., and as approved in the Stage I approved Development Plan

The information required in items a. through k., may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

E. PERMITTED USES

- 1. Offices For The Following Uses
 - a. Banks and other financial institutions, including savings, loan, and finance companies
 - b. General use or professional offices
 - c. Interior decorating studio
 - d. Studios for artists, designers, photographers, musicians, and sculptors including teaching of the fine arts and galleries for display of art items
 - e. Travel agency
- 2. Retail And Service Uses
 - a. Antique stores
 - b. Apparel shops
 - c. Art supplies
 - d. Bakery and bakery goods store, provided the products are sold exclusively on the premises
 - e. Barber and beauty shops
 - f. Bicycle shop

- g. Book, stationery, or gift shop
- h. Butcher shops
- i. Camera and photographic supplies
- j. Candy store, soda fountain, ice cream store, excluding drive-in facilities
- k. Carpet and flooring store
- l. Child day care center
- m. Computer store
- n. Delicatessen
- o. Drug store
- p. Dry cleaning store
- q. Eating and drinking places, excluding those with drive-through or drive-in facilities
- r. Fabric store
- s. Florist shop
- t. Furniture repair shop
- u. Glass or pottery shop
- v. Health and fitness facility
- w. Hobby shop
- x. Home improvement store, including sales and service
- y. Jewelry store
- z. Leather goods and luggage store
- aa. Locksmith shop
- ab. Music, musical instruments, and records, including incidental repair
- ac. Opticians and optical goods
- ad. Paint and wallpaper store
- ae. Photocopy establishment
- af. Printing establishment
- ag. Radio and television sales and service
- ah. Recreational facility
- ai. Shoe store and shoe repair
- aj. Sporting goods store
- ak. Tailor shop
- al. Video tape sales and rental
- am. Wine store

3. Public And Semi Public Uses

- a. Churches and other buildings for the purpose of religious worship.
- b. Fire stations
- c. Funeral home
- d. Police station
- e. Post office
- f. Public and parochial schools

4. Dwelling units

F. ACCESSORY USES

1. Customary accessory structures and uses.
2. Fences and/or walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance.

G. AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - One - half (1/2) acre
2. Minimum Lot Width At Building Setback Line - One hundred (100) feet
3. Maximum Impervious Surface Ratio - Seventy (70) percent
4. Maximum Building Height - Forty (40) feet
5. In the case of this zone, more than one principal structure, as herein defined, may be permitted on one lot

H. SETBACK REGULATIONS: Requirements shall be as approved in the plan, except that where any front, side, or rear yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet shall be provided, thirty (30) feet of which shall be maintained by a screening area, as regulated by Section 9.15 of this ordinance. This area shall remain open and not permit off-street parking and loading and/or unloading areas.

I. OFF-STREET PARKING AND LOADING AND/OR UNLOADING AREAS: Off-street parking, and, when applicable, loading and/or unloading areas shall be provided in accordance with Articles XI and XII of this ordinance.

J. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.6 of this ordinance.

K. OTHER DEVELOPMENT CONTROLS

1. Development shall be consistent with any conceptual development plan/study which has been adopted/approved by the legislative body.
2. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
3. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers. Such area shall be screened from view.
4. No lighting shall be permitted which would unreasonably glare from any use located within this zone onto any street or into any adjacent property.

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5. All business activities permitted within this zone shall be conducted within a completely enclosed building, except for the following:
 - a. Off-street parking and loading and/or unloading areas
 - b. Outside play areas as part of child day care centers, churches, schools, and recreational facilities
 - c. Accessory seating area for eating establishments
 6. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
 7. Mechanical equipment, whether ground or roof mounted, shall be screened from view.
 8. Flat and mansard roof construction shall not be permitted. All roofs shall have a minimum pitch of 3:12 (a 3 foot rise for every 12 feet of its base horizontal length).
 9. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 10. Sidewalks shall be required when any new development occurs.
 11. All utilities must be underground in a new subdivision or development when transmission lines have to be extended or altered.
 12. Residential uses shall be developed either as detached single-family, attached single-family, or located on a floor other than the ground floor.
- L. CRITERIA: Evaluation of the proposed Special Development Area (SDA) Zone and/or development plan shall be based upon the following criteria:
1. Design
 - a. Agreement with the various elements of the Cold Spring Comprehensive Plan, and where applicable, any other adopted plan.
 - b. Extent to which the proposed development plan is consistent with the purpose of the Special Development Area (SDA) Zone.
 - c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
 - d. Nature and extent of the proposed uses in relation to the unique characteristics of the site.
 - e. Extent to which the design of the proposed development responds to the natural and man-made features of the site.

- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off-street parking areas.
- g. Extent to which the scale of each building relates to the natural environment and adjacent buildings.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.
- k. The orientation of buildings to provide access through rear entrances is encouraged.
- l. The relationship of width to height of new structures shall be consistent with the ration of the adjacent structures.

2. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.
- g. Extent to which off-street parking areas are screened from view at street level.

3. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.
- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.

- c. Landscaping should be an integral part in the design of off-street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.

4. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed development, including police and fire protection, water and sewer services, and other services normally provided within the area. Where deficiencies exist, improvements that would correct such deficiencies may be considered.

5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

M. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the planning commission, 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.

N. EXPIRATION: Development plans within the Special Development Area (SDA) Zone shall be subject to the time constraints noted below. Upon expiration of said time constraints, 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: (1) whether said Special Development Area (SDA) Zone should revert to its original zoning designation; or (2) that the approved development plan should be voided. A public hearing may be initiated if the following condition applies:

1. Stage II Development Plan has not been approved by the planning commission within a period of twenty-four (24) consecutive months from the date of approval of the Stage I Development Plan, provided that an extension may be permitted upon approval of the planning commission if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved Stage I Development Plan obsolete.
3. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan by the planning commission, provided that an extension may be permitted upon approval of the planning commission 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 Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.