
SECTION 10.7 R-PUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT) ZONE

- A. **PURPOSE AND INTENT:** The R-PUD Residential PUD Zone is intended to provide alternative, voluntary zoning procedures for residential development and housing. The R-PUD Zone shall be used only when a relatively large land holding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary Development Plan and subsequent Final Development Plan(s) for each section of the total land holding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effect on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines, dwelling types, and "cluster" type site planning, whereby provisions for maximum overall "gross" density are established to encourage imaginative land planning and efficient use of the land and to permit creation of usable and suitably located common open space for a higher level of amenity within the PUD.
- B. **USES/DENSITIES PERMITTED, CONDITIONAL USES, AND REQUIRED OPEN SPACE:**
1. **Uses Permitted:**
 - a. Detached single-family dwellings
 - b. Multiple-family dwellings and attached single-family dwellings, provided that no more than twenty-five (25) percent of the total PUD land holding shall be utilized for this type of housing
 - c. Publicly owned and operated parks and playgrounds
 2. **Densities Permitted:** There shall be permitted a maximum gross density of 4.5 dwelling units per acre. The zoning lots for single-family dwellings shall not be less than seven thousand five hundred (7,500) square feet and the zoning lots for multiple-family dwellings shall be not less than sixteen thousand (16,000) square feet.
 3. **Conditional Uses:** No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the board of adjustment, as set forth in Section 9.14 of this ordinance:
 - a. Churches, other religious places of worship
 - b. Institutions for human medical care - convalescent homes, nursing homes, and homes for the aged
 - c. Municipal buildings
 - d. Nursery schools

- e. Public and parochial schools
- 4. Required Common Open Space: There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area ranging from fifteen (15) percent to twenty-five (25) percent of the entire tract depending upon the location and character of the land to be set aside as open space. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as: pedestrian walkways, park land, open areas, drainage ways, swimming pools, club houses, tennis courts, and other land of essentially open character, exclusive of off-street parking areas.

Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to the city of Crestview Hills for use as a public park. The proper legal document necessary for such transfer or dedication shall be prepared by the owner/developer(s) of the tract of land, and approved by the Crestview Hills City Council.

- 5. Accessory Uses Permitted
 - a. Fences and walls, as regulated by Article XIII
 - b. Home occupations, subject to the restrictions and limitations established in Section 9.11
 - c. Signs, as regulated by Article XIV
- C. APPLICATION AND PROCESSING: The purpose of these procedures is to permit an initial review of and a public hearing upon the proposal by the planning commission at an early opportunity, while the details of the plan remain flexible and before the applicant has invested a large sum of money in the engineering and architectural services needed to provide the detail necessary for final plat and plan approval. Application for the Planned Unit development Zone shall be processed as follows:
 - 1. An application for approval of the Preliminary Development Plan for a R-PUD Area and an application for an R-PUD Zone change, where applicable, may only be filed by a person having an interest in the property to be included in the planned unit. The PUD applications shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the R-PUD application(s) may be filed by holder(s) of an equitable interest in such property.
 - 2. Preapplication Conference: The applicant shall be required to meet with the zoning administrator, planning commission, and the Crestview Hills

City Council prior to submitting the R-PUD Preliminary Development Plan for review and approval. The purpose of this preapplication conference shall be to familiarize the applicant with all the necessary steps, all applicable rules and regulations and to pre-review the applicant's thinking and concepts with the appropriate city officials. The applicant shall present a general outline of his approach to the R-PUD and the city officials shall give to the applicant an initial reaction which is not legally binding but which is advisory in character.

3. The planning commission shall hold a public hearing on the proposed application (preliminary development plan and, where applicable, the zoning map amendment) in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the state purposes of the R-PUD Zone, the required elements of the Preliminary Development Plan, and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the city council: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Preliminary Development Plan and the bases for their recommendation.
4. The city council shall, within forty-five (45) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve or disapprove said R-PUD application (preliminary development plan, and where applicable, the zoning map amendment). Such action may incorporate any conditions imposed by the planning commission. However, should the city council take action to impose different conditions than were reviewed and considered by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C., 3., above. Approval of the R-PUD Zone shall require that development be in conformance with the approved preliminary development plan.

The city council shall forward a copy of the approved plan to the planning commission for further processing in accordance with the requirements for the final development plan and record plat.

Zoning Map Amendment - Upon approval of the R-PUD Zone, where applicable, the official zoning map shall be amended for the area as shown on the approved preliminary development plan.

5. A final development plan and record plat shall be developed in conformance with the approved preliminary development plan and in accordance with the requirements of Section 10.7, F., and submitted to

the planning commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 10.7, F. 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 final development plan with regard to its compliance with the required elements of Section 10.7, F. for final development plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the approved preliminary development plan. The planning commission, in approving the Final development Plan, may authorize minor adjustments from the approved preliminary 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), or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this ordinance.
- b. Upon approval of the Final development Plan, the planning commission shall review the submitted record plat with regard to its compliance with the required elements of Section 10.7, F., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the approved Final development Plan.

Upon planning commission approval of the record plat, copies of said plat, certified by the planning commission, and suitable for recording, shall be forwarded by the planning commission to the office of the county clerk to be recorded.

D. **PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS:** A preliminary development plan shall be submitted, identifying and providing the following:

1. An aerial photograph of the subject property.
2. A plan(s) of the subject property, drawn to a scale of not greater 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 right-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 with a maximum of five (5) foot contour intervals. Where existing ground is on a slope of less than two (2) percent, the plan shall show either one (1) foot contours or spot elevations where necessary, but not more than fifty (50) feet apart in all directions.
- e. The location and height of every existing and proposed building on the subject property, including existing and proposed residential uses by housing type, and commercial and public uses by type and function.
- f. All walks, malls, parking areas, water bodies, open areas, recreational areas, including swimming pools, golf courses, tennis courts, playgrounds, etc.
- g. Types of surfacing proposed on off-street parking and driveway areas.
- h. Location of all proposed streets, highways, and alleys, with approximate dimensions of pavement and right-of-way widths and relationship to the city's official thoroughfare plan.
- i. All existing and proposed utility lines indicating, where applicable, pipe sizes and types.
- j. Accessibility to essential public facilities and services, such as fire protection, schools, recreation.
- k. Identification of the soil types on the subject property, indicating soil problems and proposed methods of handling said soil problems.
- l. A preliminary 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 with a preliminary statement indicating how maintenance of the latter will be handled.

- E. PRELIMINARY DEVELOPMENT PLAN CONDITIONS FOR APPROVAL AND ADMINISTRATIVE PROCEDURES: Upon receipt of the report of the planning commission, the city council shall study and review the proposed R-PUD application and Preliminary Development Plan on the basis of: (1) that all requirements have been satisfied; and (2) finding that the following specific conditions are fully met:

1. That the PUD Zone and/or the preliminary development plan is in conformance with the comprehensive plan for Crestview Hills, Kentucky.
2. That each individual stage or successive stage of development shall not exceed the maximum density allowed for the Planned Unit Development land holding as a whole, except that in construing the density of the development, each completed stage of development shall be considered.
3. That the use(s) proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zones.
4. That the areas proposed shall be used only for the permitted uses and the usual accessory uses such as garages, storage spaces, parks, recreation sites, open spaces, and community purposes, including churches and schools.
5. That the interval streets and major and minor thoroughfares that are proposed shall properly interconnect with the surrounding existing major and minor thoroughfares, as designated in the Official Thoroughfare Plan of Crestview Hills, Kentucky.
6. That, when applicable, the R-PUD proposed Zone shall be so located with respect to major highways and thoroughfares within the city as to provide direct access to said zone without creating excessive traffic volumes along minor streets in adjacent residential neighborhoods.
7. That the minimum common open space area(s) has been designated and shall be duly transferred to a legally established Homeowner's Association, or has been dedicated to, and accepted by, the city of Crestview Hills, as herein provided.
8. That the Preliminary Development Plan is consistent with the intent and purpose of this ordinance, to promote public health, public safety, and general welfare of the residents of Crestview Hills.
9. Administrative Procedures: Approval of the preliminary development plan and, where applicable, the zoning map amendment, shall require a favorable vote of the majority of the membership of the city council. Approval of the preliminary development plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels, and their interrelationship, and shall not be construed to endorse precise location of uses, configuration of parcels, or engineering feasibility which are to be determined in the subsequent preparation of the final development plan(s). In taking action, the city council may deny the R-

PUD Preliminary Development Plan or may recommend approval of said plan, subject to specified modifications.

10. At the time of approving and R-PUD development, the city council shall make appropriate arrangements with the owner developer(s) which will ensure the accomplishment of the public improvements and reservation of common open space as shown on the approved preliminary development plan.
11. Time Limits and Extensions: After a period of two (2) years, the approval of a preliminary development plan is subject to another review by the planning commission unless a Subdivision Final Plat has been recorded in the office of the Kenton County Recorder within that two (2) year period.

F. FINAL DEVELOPMENT -- PLAN AND RECORD PLAT REQUIREMENTS: The Final Development Plan and Record Plat shall conform to the following requirements:

1. Final development Plan Requirements: Plan(s) of the subject property drawn to a scale of not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
 - a. The existing and 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 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, arrangement, and dimensions of all lots;
 - 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 lot dimensions;

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- d. Location and arrangement of all common open space areas, and recreational facilities, including lot dimensions. Methods of ownership and operation and maintenance of such lands shall be identified;
 - 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 systems, including line sizes, width of easements, type 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 the 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. A schedule of development, including the staging and phasing of:
 - (1) Residential area, 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; and
 - (4) Non-residential buildings and uses, in order of priority.

The aforementioned information required may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- 2. **RECORD PLAT REQUIREMENTS:** The applicant shall submit a Record Plat, in conformance with the approved Final Development Plan. If the Record Plat is submitted in sections, an index shall be developed showing the entire plan area. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The Record Plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission.
- G. **AREA REQUIREMENTS:** No R-PUD Zone shall be permitted on less than fifty (50) acres of land. However, development of a smaller tract adjacent to an existing R-PUD Zone, may be permitted, when approved by the planning commission, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- H. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the Final Development Plan, subject to the following:

1. No single-family residence shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.
2. There shall be a minimum buffer area of thirty-five (35) feet where the R-PUD Zone is adjacent to any other "R" District. Setbacks for buildings shall be as designated on the Final development Plan(s).
 - a. Where setbacks for individual lots are not included in an approved Final Development Plan, the following standards shall apply as minimum:

(1) Single-Family structures -	lot width front yard side yard rear yard	Seventy (70) feet Thirty (30) feet Six (6) feet Fifty (50) feet
(2) Accessory buildings -	front yard side yard rear yard	Not Allowed Six (6) feet Ten (10) feet
3. No conditional building and/or use shall be erected or structurally altered hereafter, except in accordance with the following regulations:

Minimum Zoning Lot Requirements Building Requirements

Conditionally Permitted Uses	Lot Area	Front-age	Set-back	Side Yard	Rear Yard	Minimum Gross Floor Area	Maximum Height	Location Adjacent To Arterial Street Required
Churches: Other Places of Worship	1 acre	150'	100'	30'	50'	-	35'	Yes
Convalescent Homes, Nursing Homes, and Homes For The Aged	1 acre	150'	100'	30'	50'	400 Sq. Ft. Per Unit	25'	Yes
Public and Parochial Schools	10 acres	150'	150'	75'	200'	80 Sq. Ft. Per Child	35'	No
Nursery Schools and Day Care Centers	110 Sq. Ft. Per Child	150'	50'	20'	50'	40 Sq. Ft. Per Child	35'	No
Municipal Building	1 acre	150'	100'	30'	50'	-	35'	Yes

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

- J. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs shall be as approved in the plan.
- K. AMENDMENTS: Any amendments to plans may 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.
- L. EXPIRATION: As a condition to the zone change, where applicable, substantial construction shall have been initiated within twelve (12) consecutive months following the date of approval of the final development plan, provided that an extension may be permitted upon approval of the city, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control. For the purposes of this ordinance, substantial construction shall be defined as the amount of construction to be completed as set forth in, and approved as part of, the phasing of the final development plan. At the expiration of said permit and extension, if any, a public hearing shall be initiated by the city, or its authorized representative, and held by the planning commission, according to the requirements of KRS 100, for the purpose of determining whether said zone change should revert to its original zoning designation.
- M. OTHER DEVELOPMENT CONTROLS:
 - 1. All utilities must be underground in a new subdivision or development when transmission lines are extended or altered.