
SECTION 10.17 CPUD (COMMERCIAL PLANNED UNIT DEVELOPMENT) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Commercial-Planned Unit Development (C-PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located open space facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.
- B. **GENERAL:** A Commercial-Planned Unit Development Overlay Zone may be permitted to be superimposed over any of the commercial (NC, SC, LHS, and PO) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable standards of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the C-PUD and its proper integration with the surrounding development, are met; and a public hearing is held on the C-PUD application.
- C. **APPLICATION AND PROCESSING:** Applications for a Commercial-Planned Unit Development Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan And Zoning Map Amendment - Application for amendment to utilize the C-PUD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan Requirements.
 - a. The application for a map amendment to overlay an area for a C-PUD and accompanying development plan shall be submitted to the planning commission.
 - b. The planning commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the C-PUD Overlay Zone, the required elements of the Stage I Plan and other applicable requirements of this section. Upon holding such hearing, the planning commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit,

- along with their recommendations, a copy of the Stage I Plan and the bases for their recommendation.
- c. The legislative body, shall, within ninety (90) days after receiving the recommendations of the planning commission, review said recommendations and take action to approve, or disapprove said C-PUD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body take action to impose less stringent conditions than recommended by the planning commission, then said conditions shall be resubmitted to the planning commission for further review and recommendation, in accordance with Subsection C., 1., b., above. Approval of the C-PUD Overlay Zone shall require that development be in conformance with the Stage I approved plan.
2. Stage II - Plan And Record Plat - A Stage II Plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of Section 9.20, and submitted to the planning commission, or its duly authorized representative, and the legislative body for its review and approval. Except for construction standards, the manner of submission and processing included in the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B., shall be substituted. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations.
 - a. The planning commission, or its duly authorized representative, shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, B., for Stage II plans, other applicable elements of this ordinance and other applicable regulations, and its conformity with the approved Stage I approved plan. The planning commission, or its duly authorized representative, in recommending approval of the Stage II plan, may include minor adjustments from the Stage I approved plan, provided that the adjustments do not: significantly 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. The legislative body shall, within forty-five (45) days after receiving the recommendations of the planning commission, or its duly authorized representative, review said recommendations and take action to approve, approve with conditions, or disapprove the Stage

II plan. The legislative body shall also take action to approve or disapprove any minor adjustments proposed to the approved Stage I plan.

Upon approval of the Stage II plan by the legislative body, a copy of said plan shall be forwarded to the zoning administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this ordinance. A copy of the approved Stage II plan shall also be forwarded to the planning commission for processing, as appropriate.

- c. Upon approval of the Stage II plan, the planning commission, or its duly authorized representative, shall review the submitted record plat, if applicable, with regard to its compliance with the required elements of the subdivision regulations, and its conformance with the Stage II approved 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 to the office of the county clerk to be recorded.
- D. **PRIMARY PERMITTED USES:** Permitted uses shall be as specified within the zones being overlaid. A minimum of seventy-five (75) percent of the floor space within a proposed C-PUD shall be primary permitted uses.
- E. **OTHER USES:** Permitted uses and conditional uses as specified in Section 10.12, Neighborhood Commercial Zone, Section 10.11, Limited Highway Service Zone, Section 10.13, Professional Office Zone, and Section 10.14, Shopping Center Zone, subject to all other requirements of this section. Additionally, the following uses may also be permitted:
1. Community centers, including day care facilities
 2. Fire and police stations
 3. Libraries
 4. Schools
- F. **AREA REQUIREMENTS:** No C-PUD Overlay Zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing C-PUD Overlay Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.
- G. **HEIGHT, YARD, AND SETBACK REGULATIONS:** Requirements shall be as approved in the plan. A minimum fifty (50) foot setback shall be provided from adjacent residential areas and adjacent streets.

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- H. **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. Parking may be permitted within required yards but no closer than fifteen (15) feet to the adjoining property.
- I. **FENCES, WALLS, AND SIGNS:** The location, height, and type of all fences, walls, and signs shall be as approved in the plan.
- J. **EROSION AND SEDIMENTATION CONTROL:** Effective erosion and sedimentation controls shall be planned and applied in accordance with Section 9.7 of this ordinance and the Kenton County Subdivision Regulations.
- K. **OPEN SPACE:** At least ten (10) percent of the total acreage of the proposed C-PUD shall be retained as open space area. Open space area shall be that part of the total project exclusive of streets, parking areas, buildings, and other non open space. A landscape plan shall be submitted with the Stage II Plan and Record Plat.
- L. **SCREENING:** Shall be as provided within Section 9.17 of the zoning ordinance.
- M. Evaluation of the proposed development plan shall be based upon the following factors:
1. Agreement with the various elements of the Kenton County Comprehensive Plan.
 2. Adequacy of the proposed site, considering such factors as the sufficiency of the size to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (based on topography, natural features, streets, relationship of adjacent uses, etc.).
 3. Nature and extent of the proposed commercial types, proposed in relation to the unique characteristics of the site; the current or anticipated need for such use(s) and the specific size and locale of the market area from which the specific uses of the site will draw or serve.
 4. Extent to which the proposed design, as indicated in the Stage I Plan, is compatible with development contiguous to the site. Compatibility shall be reviewed in terms of intensity of land uses type in relation to the general character of the surrounding area; the scale (e.g., height and mass of structures) of the proposed development; location of open spaces and size of setbacks; provision of screening areas or utilization of natural features; the transition of land use types based on the proposed design;

and the impact of the proposed development on adjacent uses, such as noise, visual impact, hours of operation, traffic circulation, etc.

5. Amount of traffic that would be generated by the proposed operation and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
 6. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within the site, and to and from the site without adversely affecting the ability of the adjoining street system to carry traffic.
 7. Extent to which all necessary public utilities and facilities are available to service the 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
- N. **AMENDMENTS:** Any amendments to plans, except for the minor adjustments which may be permitted by the City Administrative Officer or his designee, 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.
- O. **EXPIRATION:** Any amendments to the C-PUD Overlay Zone 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 C-PUD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following condition applies:
1. Stage II Plan has not been submitted to the planning commission or its duly authorized representative within a period of twelve (12) consecutive months from the date of the Stage I approved plan and Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body, or their duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Plan by the legislative body, provided that an extension may be permitted upon

approval of the legislative body, 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 Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.