

SECTION 10.14 RCD (RESIDENTIAL CLUSTER DEVELOPMENT) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Residential Cluster Development (RCD) Overlay Zone are to: provide a means whereby clusters of attached and detached single-family residential units may be constructed in the Residential (R-1) Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of the building, and yard and setback requirements in order to provide for, to the greatest extent possible, the preservation of hillside areas and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 residential land development procedures.
- B. **GENERAL:** A Residential Cluster Development (RCD) Overlay Zone may only be permitted to be superimposed over any of the Residential (R-1) Zones, provided that all conditions or provisions of this section of the ordinance, the applicable requirements of the subdivision regulations, and any additional requirements, as may be determined necessary to provide for the most efficient layout of the RCD Overlay Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the RCD application.
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed as follows in two stages:
1. Stage I -- Development Plan and Zoning Map Amendment - Application for amendment to RCD Overlay Zone shall include a development plan in accordance with the requirements of Section 9.20, A., Stage I Plan requirements.
 - a. 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 RCD Overlay Zone, the required elements of the Stage I 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 legislative body: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage I Development Plan and the bases for their recommendation.
 - b. The Planning Commission recommendation relating to the Stage I Development Plan shall become final and automatically implemented as set forth in the Planning Commission

recommendations, unless within twenty-one (21) days after the final action by the Planning commission:

- (1) Any aggrieved person files a written request with the Planning Commission that the final decision shall be made by the appropriate legislative body; or
- (2) The appropriate legislative body files a notice with the Planning Commission that the legislative body shall decide the map amendment.

- c. If a request with the Planning Commission is filed, 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 RCD application. Such action may incorporate any conditions imposed by the planning commission. However, should the legislative body 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., 1., a., above. Approval of the RCD Overlay Zone shall require that development be in conformance with the Stage I approved plan.

Zoning Map Amendment - Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the existing residential zone (e.g., RCD-R-1B, RCD-R-1C, etc.) for the area as shown on 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, B. and C., and submitted to the planning commission for its review.
 - a. The legislative body shall review the submitted Stage II Plan with regard to its compliance with the required elements of Section 9.20, for Stage II plans, other applicable elements of this ordinance, and other applicable regulations, and its conformity with the Stage I approved plan. In approving the Stage II Plan, the city may authorize minor adjustments from the Stage I approved plan, without a public hearing. The legislative body shall determine what is a major change considering the spatial relationship of structures, a change in land use, A change in density, a change in circulation patterns for vehicular and pedestrian traffic, or a change in open space and recreational areas and the like.

In the event that the city legislative body determines the changes are of a major nature, the proposed revisions shall be reviewed through the public hearing process as provided under 10.14.

Upon city legislative approval of the Stage II Plan, a copy of said plan shall be forwarded to the city's 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.

- b. Upon approval of the Stage II Plan, the planning commission shall review the submitted Record Plat with regard to its compliance with the required elements of Section 9.20, C., for record plats, the applicable requirements of the subdivision regulations, and its conformance with the Stage II approved plan.

Following planning commission approval of the plat as required by KRS 100.277, the record plat shall be submitted to the legislative body for a determination that any offer of dedication (public ways and/or easements) indicated on the plat would be beneficial to the public interest and suitable for the immediate or future "acceptance for maintenance" by the city as required by KRS 82A.

Upon submission of the record plat to the legislative body, said original record plat, certified by the planning commission and the mayor of the legislative body, and suitable for recording, shall be forwarded to the offices of the county clerk to be recorded.

- D. **RESIDENTIAL USES AND DENSITIES:** Attached and detached single-family dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R-1) zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area, excluding that land devoted to streets (public and private).
- E. **PUBLIC AND SEMI-PUBLIC USES:** Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:
 - 1. Churches
 - 2. Community centers, including day care facilities
 - 3. Country clubs
 - 4. Fire or police stations
 - 5. Libraries
 - 6. Open space/recreation areas

7. Schools (nursery, elementary, and secondary);
- F. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than four (4) acres of land. However, development of a smaller tract adjacent to an existing RCD 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.
- 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.
- 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.
- K. COMMON OPEN SPACE/RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed RCD shall be retained as common open space/recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the RCD. Common open space/recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.
- L. AMENDMENTS: Any amendments to plans shall be made in accordance with the procedure required by this ordinance and any minor amendments may be approved by the city legislative body without a hearing as provided herein and any major changes shall be heard by the city legislative body at a public hearing after due notice.
- M. EXPIRATION: Any amendment to the RCD 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 RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

1. A particular section of the original Stage I Plan has not had Stage II approval by the city legislative body within twenty-four (24) consecutive months from the date of the approval of the Stage I approved plan for that particular section, provided an extension may be permitted by the legislative body 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 of a particular section; 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 Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage II approved plan.
- N. UTILITIES: All utilities must be underground when any new development occurs.