

SECTION 10.7 RCD (RESIDENTIAL CLUSTER DEVELOPMENT)

- 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, but always with the intention of furthering the public health, safety, and general welfare.
- B. **PERMITTED USES:**
1. Attached single - family residential dwellings -- condominium or landominium development.
 2. Detached single - family residential dwellings not to exceed ten percent (10%) in number of the total number of single - family dwelling units approved and shown on the site plan for the project.
 3. Municipally owned or operated parks, playgrounds, or other community facilities
- C. **ACCESSORY USES:**
1. In - ground swimming pools, tennis courts, decks/patios, and gazebos;
 2. Fences and walls as regulated by Article XIII of this ordinance;
 3. Signs, as regulated by Article XIV of this ordinance;
 4. Home occupations, subject to the restrictions and limitations established in Section 9.9 of this ordinance.
 5. Children swing sets
 6. Customary accessory structures and uses (above ground swimming pools, detached garages, and detached storage facilities are prohibited)
- D. **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 in Section 9.12 of this ordinance.
1. Churches and other buildings for the purpose of religious worship, providing they are located adjacent to an arterial street. (This does not include day care centers operated in conjunction with the church.)

- E. COMMON OPEN SPACE: A minimum of twenty percent (20%) of the total acreage exclusive of the street right - of - way areas shall be retained as common open space and deeded to a legally established association of owners of the dwelling units in the development for operation and maintenance. This common open space shall not consist of isolated or fragmented pieces of land which serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, swimming pools, tennis courts, and other similar recreational and open space lands exclusive of off - street parking areas and street right-of-way.
- F. SITE AREA REQUIREMENTS: This Residential Cluster Development Zone (RCD) shall not be permitted on less than eight (8) acres of land.
- G. DENSITY, HEIGHT, AND SETBACK REGULATIONS: No buildings shall be erected or structurally altered hereafter, except in accordance with the following regulations:
1. Density - The density of single - family dwelling units in the project shall not exceed 5.5. units per acre. This density shall be applied to the total project area exclusive of street right - of - way areas.
 2. Maximum Building Height - Thirty - five (35) feet above average grade level.
 3. Maximum Dwelling Units Per Structure - Four (4) units.
 4. Setback from street right - of - way line shall be a minimum of 30 feet.
- H. OTHER DEVELOPMENT CONTROLS:
1. Off - street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance. Garages shall be attached to the dwelling unit.
 2. No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers located at and serving each dwelling unit.
 3. No private lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right - of - way, or into any adjacent property.
 4. Prior to the initial conveyance of a dwelling unit in the project to an individual owner, a legal document establishing an association of homeowners shall be prepared by the owner/developer of the proposed RCD tract of land and approved by the city council of Lakeside Park. Such document, in addition to establishing said association and providing for operation and maintenance of the common open space areas, shall also include provisions relative to maintenance of parking areas, drives and structures, the establishment and collection of dues and fees, and any

other matters necessary to the proper operation and maintenance of the association of owners and the RCD development tract.

- I. **APPLICATION AND PROCESSING** The City of Lakeside Park may zone an area RCD prior to the submission of a development plan. Submission of a development plan, in accordance with this section, however, shall be required prior to the issuance of any zoning or building permits. The purpose of the following procedures is to permit an initial review of and a public hearing upon the proposal by the planning commission 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. Applications for the Residential Cluster Development (RCD) Zone shall be processed as follows:
1. An application for approval of the Preliminary Development Plan for an RCD area and an application for an RCD zone change, where applicable, shall be first filed with the city's zoning administrator for his signature and to establish a date for the pre - application conference. The zoning administrator shall hold the application until after said conference.
 2. Pre - application Conference: The applicant shall be required to meet the zoning administrator, representatives of the planning commission, and the Lakeside Park City Council prior to submitting the RCD preliminary development plan to the planning commission for public hearing review. The purpose of this pre - application 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 RCD and the city officials shall give to the applicant an initial reaction which is not legally binding but which is advisory in character. After said conference, the application shall be returned to the applicant to file with the planning commission.
 3. The planning commission shall hold a public hearing on the proposed application (preliminary development plan and, where applicable, the zoning map amendment) duly noticed 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 Preliminary Development Plan (Section 9.18 A), 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 to the Lakeside Park City Council and its zoning administrator, along with

recommendations, a copy of the Preliminary Development Plan and the bases for their recommendation.

4. 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 (preliminary development plan, and where applicable, the zoning map amendment). Such action may incorporate any conditions imposed by the city. 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 recommendations, in accordance with subsection H., 3., above. Approval of the RCD Zone, where applicable, 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 RCD 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 Sections 9.18 B & C, and submitted to the planning commission and its engineer for review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.18, B & C, 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 9.18, B., for final development plans, other applicable elements of this ordinance, 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. Upon planning commission approval of the Final Development Plan, a copy of said plan shall be forwarded to the city council for their final approval. Within forty - five (45) days after receiving notice of planning commission action on the Final Development Plan, the city council shall take final action on the plan and forward notification of said action to the planning commission. The city shall grant permits only in accordance with the approved Final Development Plan.

- b. Upon approval of the Final Development Plan by the city council, the planning commission shall review the submitted record plat(s), with regard to its compliance with the required elements of Section 9.18, C., 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 to the office of the County Clerk to be recorded. The owner/developer or his engineer shall provide a copy of the approved record plat to the City of Lakeside Park.

- J. **AMENDMENTS:** Any amendments to plans 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.
- K. **EXPIRATION:** The approved plan and any amendment thereto 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 or another appropriate zoning designation. A public hearing may be initiated if either of the following conditions apply:
 1. A Final Development Plan has not been approved by the planning commission within a period of twelve (12) consecutive months from the date of the Preliminary Development Plan approval 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 approved Preliminary Development Plan obsolete.
 2. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Final Development Plan by the City of Lakeside Park, 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 the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the approved Final Development Plan obsolete. The amount of construction constituting initiating substantial construction shall be as set forth in, and approved as part of, the Final Development Plan.