

SECTION 10.12 PUD (PLANNED UNIT DEVELOPMENT) OVERLAY ZONE

- A. **PURPOSE:** The purposes of the Planned Unit Development (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 an harmonious fashion; provide for more usable and suitably located recreation facilities, other public and 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:** Notwithstanding other provisions of this ordinance, a Planned Unit Development (PUD) Overlay Zone may be permitted only to be superimposed over any of the existing 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 by the planning commission to provide for the most efficient layout of the PUD Zone and its proper integration with the surrounding development, are met; and a public hearing is held on the preliminary plan and zoning map amendment.
- 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 plan and plat approval. Applications for the Planned Unit Development Overlay Zone shall be processed in four stages:
1. A preliminary development plan, nonconformity with the requirements of Subsection D., shall be filed with the planning commission and processed as follows:
 - a. The planning commission shall hold a public hearing on the preliminary development plan and the amendment to the official zoning map of the area as shown in the preliminary development plan, duly noticed, in accordance with the requirements of KRS Chapter 424. Upon holding such hearing, the planning commission shall take one of the following actions on the preliminary

development plan: approval, approval with condition(s), or disapproval.

- b. Upon approval, or approval with condition(s), of the preliminary development plan, the planning commission shall hold a second public hearing, duly noticed, in accordance with KRS Chapter 424 with regard to amending the official zoning map of the area as shown in the preliminary development plan to the PUD Overlay Zone. After holding said hearing, the planning commission shall make a recommendation to the legislative body relative to their findings with regard to the zone change.

The public hearings on the preliminary development plan and zone change amendment may be held concurrently at the discretion of the planning commission.

2. The legislative body shall, within thirty (30) days after receiving the recommendations of the planning commission, review said recommendations of that commission with regard to the requested PUD Overlay Zone and approve or disapprove said request. Approval of the PUD Overlay Zone by the legislative body shall be conditioned with the provision that the final development plan and final plat receive approval by the planning commission.
 3. After approval or conditional approval of the preliminary development plan by the planning commission and conditional approval of the PUD Overlay Zone by the legislative body, a final plat and final development plan, in accordance with the requirements of Subsection E., shall be filed with the planning commission for its review and approval.
 4. Following final plat and final development plan approval by the planning commission, the official zoning map shall be amended by adding the prefix "PUD" to the existing residential (R) zone (e.g., PUD-R-1B, PUD-R-1C, etc.) for the areas as shown on the approved final plat.
- 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 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 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 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, height, and layout of all existing and proposed buildings 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 proposed streets, highways, and alleys with approximate dimensions of pavement and right-of-way widths.
- 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. 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 ownership with a preliminary statement indicating how maintenance of the latter will be handled; and
- (4) The construction of nonresidential buildings, in order of priority.

E. FINAL DEVELOPMENT PLAN AND FINAL PLAT REQUIREMENTS: Except for the manner of submission and processing of subdivision plats, the standard subdivision regulations may be waived, where applicable, and the requirements of this section shall be substituted therefore. Those requirements not specifically waived by the planning commission shall conform with the subdivision regulations. The final plat shall consist of the elements hereinafter set forth, copies of which, if approved by the planning commission, shall be recorded in the county clerk's office. The elements of the final plat shall consist of:

1. Plat or plats of the subject property drawn to a scale of not greater than one (1) inch equals one hundred (100) feet, suitable for recording and which will be recorded in the office of the county clerk, after final approval by the planning commission. The plat or plats shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the planning commission, and in addition thereto, the following:
 - a. All areas reserved for common ownership with an identification of the properties the owners will share in common.
 - b. Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development (resubdivision to large lots containing several buildings may be accomplished at a later date upon application and approval).
 - c. Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses.
2. In addition to and along with the final plat, the applicant shall also submit a final development plan at a scale of not greater than one (1) inch equals one hundred (100) feet, which shall set forth, identify, and locate the following:
 - a. The proposed finished grade of the subject property shown by contours with intervals not larger than two (2) feet, supplemented, where necessary, by spot elevations.

- b. All walks, malls, and other open areas, including recreational areas, swimming pools, golf courses, tennis courts, playgrounds, illumination facilities, etc.
- c. The location and type of all walls, fences, and screen plantings, and landscaping.
- d. The location, size, height, and orientation of all signs.
- e. The types of surfacing proposed on the various off-street parking and driveways including cross sections and drainage plans.
- f. Location and cross section drawings of all proposed streets, highways, alleys, and walkways, indicating the proposed surfacing and drainage plans.
- g. Location and dimensions of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas, including number of spaces, angle of stalls, grades, and illumination facilities.
- h. A plan showing all existing and proposed utilities, indicating, where applicable, pipe sizes, types, and grades.
- i. A drainage plan of the natural and storm sewer system of the area showing: size and location of each existing and proposed structure, the approximate volume of runoff water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for adequate control of erosion, hillside slippage, and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, and grading, and construction.
- j. Plans and drawings required by Section E., 2., a. through i., above, may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or more of said plans. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.
- k. A final schedule of development staging and phasing, as set forth in Subsection D., 2., k. of this section.
- l. Sketches of the exteriors of several representative buildings in the project. It is intended that neither uniformity of architectural style

nor unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this subsection is to permit development flexibility greater than that permitted by other sections of this ordinance.

- m. 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.
- 3. The final development plan, after approval by the planning commission, shall be delivered to the zoning administrator, who shall grant permits only in accordance with the approved development plan and other plans as required by this ordinance.
- F. **RESIDENTIAL USES AND DENSITIES:** All types of residential housing units (attached and detached) may be permitted within a PUD Overlay Zone, upon approval of the planning commission, including but not limited to, single-family, two-family, and multi-family units. Dwelling unit density will be the number of units to be developed per gross acre within the total project area, excluding that land devoted to commercial uses and streets.

The density of dwelling units in PUD shall be determined by the density (dwelling units per net acre) as calculated from the existing residential (R) zone superimposed by the PUD Overlay Zone, should the zone develop in a conventional manner.

- G. **COMMERCIAL USES:** Commercial uses, intended primarily for the convenience of residents of the PUD, may be permitted within the project area, upon approval of the planning commission.

These commercial uses shall be grouped in complexes clearly delineated on the final development plan(s), and may provide for one or more of the following uses:

- 1. Bakery shop
- 2. Banks
- 3. Beauty or barber shops
- 4. Business or professional office
- 5. Clothing store
- 6. Delicatessen, grocery, meat, fruit, or vegetable market;
- 7. Drug store
- 8. Hardware stores
- 9. Laundry/dry cleaning pick-up stations, or self-service facilities

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10. Restaurants
 11. Shoe repair shops
 12. Theater
- H. PUBLIC USES: Public and semi-public structures and uses may be permitted in the PUD Overlay Zone upon the approval of the planning commission. These uses shall be delineated on the preliminary and final development plan and shall be limited to one or more of the following uses:
1. Churches
 2. Community centers
 3. Country clubs
 4. Fire or police stations
 5. Libraries
 6. Parks
 7. Schools (elementary and secondary)
- I. AREA REQUIREMENTS: No PUD Overlay Zone shall be permitted on less than twenty-five (25) acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay 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.
- J. HEIGHT, YARD, AND SETBACK REQUIREMENTS: Requirements shall be as determined and approved by the planning commission.
- K. 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.
- L. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved by the planning commission.
- M. ALTERATIONS: Except as herein provided, no use shall be established or changed or any structure constructed or altered after final approval of the development plan and final plat, by the planning commission.
- N. AMENDMENTS: 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.
- O. EXPIRATION: As a condition to the zone change, substantial construction shall have been initiated within twelve (12) consecutive months following the date of
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final approval of the zone change, provided that an extension may be permitted upon approval of the zoning administrator if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control. For the purpose 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.

- P. APPROVAL: All such development plans and plats shall be reviewed by the planning commission and the factual determination approving or rejecting such plans and plats shall be made in accordance with requirements of this or other applicable ordinances and the comprehensive plan
- Q. REVOCATION: Any PUD permit, or portion thereof, may be revoked by the same procedures applicable to the revocation of conditional use permits.