
SECTION 10.30 C-PUD (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 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 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 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 development within a Commercial-Planned Unit Development (C-PUD) Overlay Zone shall be processed as follows:
1. Applications for a map amendment to zone an area C-PUD shall follow the procedures set forth in Article XVII of this ordinance. In addition to the regulations set forth in Article XVII, of this ordinance, the application shall be accompanied by a development plan, as regulated by Section 9.20, A., of this ordinance, for the entire area under single ownership.
 2. When a site is proposed to be developed within an area which is currently zoned C-PUD, a Stage I Development Plan for the entire area under single ownership, as regulated by Section 9.20, A., of this ordinance, shall be submitted for review by the planning commission. Development shall include: grading of any land; construction of any streets or other improvements; and the demolition, erection, physical expansion, or change of use of any structure. Development shall not include the normal maintenance (e.g., cleaning, painting, etc.) of any structure.
 - a. The planning commission shall hold a public hearing on the proposed Stage I Development Plan in accordance with the

requirements of KRS Chapter 424, and review said Stage I Development Plan with regard to its compliance with the stated purpose of the Commercial-Planned Unit Development (C-PUD) Overlay Zone, the required elements of the Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance. 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 the planning commission makes its recommendation, process the proposed Stage I Development Plan. Action to approve the Stage I Development Plan may incorporate any conditions imposed by the planning commission. However, should the action 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., of this section.

A copy of the approved Stage I Development Plan shall be forwarded to the planning commission, or its duly authorized representative, for further processing, in accordance with the requirements for a Stage II Development Plan.

- 3. Stage II - A Stage II Development Plan, for the area proposed to be developed, shall be developed in conformance with the approved Stage I Development Plan and in accordance with the requirements of Section 9.20, B. and C. of this ordinance, and submitted to the planning

commission, or its duly authorized representative, for its review. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of Section 9.20, B. and C. of this ordinance shall be substituted therefore. 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 Development Plan with regard to its compliance with the required elements of Section 9.20, B. of this ordinance, its conformity with the approved Stage I Development Plan, applicable requirements of this section of the ordinance, and other applicable requirements of this ordinance.

Minor adjustments from the approved Stage I Development Plan may be permitted, provided that the adjustments do not affect the spatial relationship of structures, change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this ordinance.

Following review of the submitted Stage II Development Plan, the planning commission, or its duly authorized representative, shall make one of the following recommendations to the city's chief administrative official, or his/her duly authorized representative: approval, approval with conditions, or disapproval. The planning commission shall submit, along with their recommendations, a copy of the Stage II Development Plan and the bases for their recommendation.

- b. The city's chief administrative official, or his/her duly authorized representative, shall, within ninety (90) days after the planning commission, or its duly authorized representative, makes its recommendation, process the proposed Stage II Development Plan. Upon approval of the Stage II Development Plan by the city's chief administrative official, or his/her duly authorized representative, the zoning administrator shall grant permits only in accordance with the approved Stage II Development Plan, and other regulations as may be required by this ordinance.

- D. **PRIMARY PERMITTED USES:** Permitted uses shall be as specified within the zones being overlaid. A minimum of sixty (60) percent of the floor space within a proposed C-PUD shall be primary permitted uses.

- E. OTHER USES PERMITTED: Permitted uses as specified in other commercial zones within this ordinance are permitted, 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 zoning districts.
- H. OUTDOOR STORAGE
1. No outdoor storage of any materials, supplies, or products shall be permitted in this zone.
 2. No outdoor storage of any waste materials shall be permitted in this zone, except within enclosed containers. Such area shall be screened from view.
- 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. Parking may be permitted within required yards but no closer than fifteen (15) feet to any adjoining residential zoning district.
- J. FENCES, WALLS, SIGNS, LIGHTING, AND LANDSCAPING: The location, height, and type of all fences, walls, signs, lighting, and landscaping shall be as approved in the plan and shall be consistent throughout the development.
- K. 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.
- L. OPEN SPACE: A minimum of twenty-five (25) percent of the total acreage of the proposed C-PUD shall be retained as open space area and a minimum of eight (8) percent of this area shall be located within the interior of the development, as

opposed to the perimeter of the development. Open space area shall be that part of the total project exclusive of streets, parking areas, and buildings. A landscape plan shall be submitted with the Stage II Plan and Record Plat.

For purposes of this subsection, the perimeter of the development shall be that area within the front, side, and rear yards, as identified in the Stage I Development Plan. The interior of the development shall be that area outside of the front, side, and rear yards, as identified in the Stage I Development Plan.

M. CRITERIA: Evaluation of the proposed Commercial-Planned Unit Development (C-PUD) Overlay Zone and/or development plan shall be based upon the following criteria:

1. Design

- a. Agreement with the various elements of the Area - Wide Comprehensive Plan, and where applicable, any other adopted plan.
- b. Extent to which the proposed development plan is consistent with the purpose of the Commercial-Planned Unit Development (C-PUD) Overlay Zone.
- c. Adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.).
- d. Nature and extent of the proposed uses 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.
- e. Extent to which the design of the proposed development responds to the natural and man - made features of the site.
- f. Building locations should be planned to accomplish a desirable transition with open spaces, pedestrian areas, and off - street parking areas.
- g. Extent to which the scale of each building relates to the natural environment.
- h. The primary activity area of a building should be oriented toward a natural site amenity.
- i. The location of buildings should be designed to provide for an orderly rhythm by avoiding long, unbroken building facades.
- j. Heights of structures should be compatible with the height of existing structures adjacent to the site.

- k. Extent to which the proposed design responds to the impact of the proposed development on adjacent land uses, in terms of noise, visual impact, hours of operation, and traffic circulation.

2. Architectural Elements

- a. Extent to which a character or theme is proposed which creates a sense of place and arrival for the development within the community.
- b. The identification and use of a language of materials and colors which enhances the character of the proposed development.
- c. Extent to which there is a continuity throughout the proposed development through the establishment of specific features, elements, and details.
- d. Attention to architectural detail which recognizes that buildings are finished three dimensional structures which are viewed from all sides and have a relationship with the pedestrian scale.
- e. Extent to which mechanical equipment and service areas are appropriately screened.

3. Circulation

- a. Amount of traffic that would be generated by the proposed development and the ability of the existing street system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered.
- b. Extent to which the design of the internal street system provides for the efficient and safe movement of traffic within and adjacent to the site.
- c. The circulation system should follow the natural terrain of the site.
- d. The circulation system should provide for the continuation of existing streets and provide for the connection of proposed streets to adjoining properties.
- e. Extent to which the complete separation of pedestrian and vehicular circulation systems is achieved.
- f. Pedestrian street crossings should provide for safe crossings where there is good sight distance along the street or at a grade separated crossing.

4. Open Space

- a. Existing trees, streams, natural features, and scenic views should be preserved and maintained where feasible and practicable.

- b. Extent to which an overall landscaping plan is developed and achieved to compliment the overall project.
- c. Landscaping should be an integral part in the design of off - street parking areas to soften the impact of hard surfaced areas on adjacent areas.
- d. Open spaces should not be isolated from one another by unrelated physical obstructions, but rather, should be linked together by open space corridors having a reasonable width.
- e. Open spaces and landscaping along the perimeter of the site shall be compatible with adjoining uses and zones.
- f. Extent to which a variety of plant materials and species are utilized throughout the project.

5. Utilities

- a. Extent to which all necessary public utilities and facilities are available to service the proposed 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.

6. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A sign package should be developed for the entire development that forms an integral part of the total design of the site.
- c. All signs should be of a complimentary scale and proportion in design and in visual relationship to the site and buildings.
- d. Extent to which signs define and enhance the architectural elements of a building or site.
- e. Extent to which signage is consolidated and coordinated with the overall site design.

- N. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the city's chief administrative official, or his/her duly authorized representative, shall be made in accordance with the procedure required by Subsection C., 2. or C., 3., above, subject to the same limitations and requirements as those under which such plans were originally approved.
- O. UTILITIES: All utilities must be underground when any new development occurs.
- P. EXPIRATION: Development plans within the Commercial-Planned Unit Development (C-PUD) Overlay Zone shall be subject to the time constraints

noted below. Upon expiration of said time constraints, 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: (1) whether said Commercial-Planned Unit Development (C-PUD) Overlay Zone should revert to its original zoning designation; or (2) that the approved Development Plan should be voided. A public hearing may be initiated if the following condition applies:

1. Substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the Stage II Development Plan, 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 approved Stage II Development Plan obsolete. Substantial construction shall be deemed to mean the placing of footers and/or foundation.