

APPENDIX 22A

RESIDENTIAL PLANNED UNIT DEVELOPMENT (PUD-1) ZONE

22A-1 INTENT - The intent of the Residential Planned Unit Development (PUD-1) is to encourage a unified design for large tracts of land in the new growth areas of Lexington-Fayette County, which will be consistent with the residential land use recommendations of the adopted Comprehensive Plan.

22A-2 MINIMUM SITE LOCATION AND SIZE CRITERIA - Application for a map amendment request to a PUD-1 zone shall be made only on property that meets the following criteria:

22A-2(a) LOCATION - The property must be entirely or substantially located within an area recommended for residential (low, medium or high density) use in the adopted Comprehensive Plan.

22A-2(b) MINIMUM SIZE - No site may be zoned to a PUD-1 classification unless it is at least three (3) acres in size. Enlargement of the PUD-1 zone may be permitted, regardless of the size, only if it is found that the enlargement is in accord with the requirements of the PUD-1 zone and that the enlargement would be a harmonious extension of the original design of the PUD-1 zone.

22A-3 PERMITTED USES - The following uses shall be permitted in the PUD-1 zone. All uses other than those specifically listed as permitted uses or substantially similar to the permitted uses shall be prohibited.

22A-3(a) PRINCIPAL PERMITTED USES - The primary principal permitted uses shall be single family, two family, townhouse, and multi-family dwelling units. In addition, the following uses shall be permitted, provided that the aggregate total lot area for such uses does not exceed fifteen percent (15%) of the total lot area of the planned unit development:

1. Kindergartens, nursery schools, day nurseries and child care centers for four (4) or more children. For any lot or property which will also be used for residential purposes, no more than twelve (12) children shall be permitted. All kindergartens, nursery schools, day nurseries, and child care centers shall provide a fenced and screened play lot which shall contain not less than twenty-five (25) square feet per child.
2. Churches, Sunday schools, and parish houses.
3. Nursing homes and rest homes.
4. Schools for academic instruction.

22A-3(b) OTHER PERMITTED USES - Within a planned unit development containing at least one hundred (100) gross acres and not less than six hundred (600) total dwelling units, a restricted commercial use shall be permitted within the PUD-1 zone in conformance with the following provisions:

1. The Commercial area(s) shall be designated on the required development plans. Residential and non-residential uses may be provided within the same structure, provided that such uses are not located on the same floor, or separate entrances are provided.
2. Permitted uses and off-street parking shall be as provided for principal permitted uses in the B-1 zone.
3. The commercial area shall be located on a continuous public collector street, but shall not be closer than 2,000 feet (measured along the collector street) to any principal or minor arterial street.
4. The total land area for the commercial use shall not exceed two (2) acres in size, or one percent (1%) of the gross land area within the planned unit development, whichever is the greater acreage.
5. The commercial area shall be in keeping with the overall design of the planned unit development, provide primarily for the needs of the residents of the development, and visually harmonize with the residential areas within the planned unit development.
6. No building permits may be issued for structures designated for commercial uses until occupancy permits have been issued for at least fifty percent (50%) of the total residential dwelling units contained within the planned unit development.

22A-3(c) ACCESSORY USES - The following uses are permitted when incidental and subordinate to principal permitted uses:

1. Private garages, storage sheds and parking areas.
2. Swimming pools, tennis courts, clubhouses and other private or common use open space and recreational areas.
3. Agricultural uses, excluding commercial stock raising.
4. Home office.

22A-3(d) CONDITIONAL USES - Home occupations shall be the only conditional use permitted upon approval by the Board of Adjustment.

22A-4 CONTENT AND FORMAT OF REQUIRED APPLICATION MATERIALS - The following provisions shall be applicable for materials required for the processing of applications for approvals within the PUD-1 zone.

22A-4(a) AUTHORIZATION TO PREPARE REQUIRED MATERIALS - In order to ensure that the Planned Unit Development Plan has been prepared in a professional manner using a multi-discipline approach, the preliminary Planned Unit Development Plan shall be certified by two or more of the following professionals:

- (1) An urban planner who is a full member of AICP.
- (2) A landscape architect licensed to practice in the State of Kentucky.
- (3) An architect registered to practice in the State of Kentucky.
- (4) A civil engineer registered to practice in the State of Kentucky.

The final planned unit development plan shall be certified by a civil engineer registered in Kentucky and one or more of the professionals listed in (1), (2) or (3) above.

22A-4(b) MAP AMENDMENT REQUEST MATERIALS - Any map amendment request to a PUD-1 zone shall be filed in such form and such materials as required by Article 6 of this Zoning Ordinance and the bylaws of the Planning Commission. In addition, a preliminary Planned Unit Development Plan, a site inventory, and any proposed restrictive covenants, including homeowners' association documents, shall be included with the application as the minimum requirements for filing.

22A-4(b)(1) REQUIRED PLANNED UNIT DEVELOPMENT PLANS - Shall comply with the informational and design requirements for preliminary or final development plans under Article 21 of this Zoning Ordinance.

22A-4(b)(2) SITE INVENTORY - The required site inventory shall be a separate document from the required Planned Unit Development Plan. The inventory shall include text and map information indicating soil types and their locations and development limitations; existing drainage features including watercourses, natural swales, ponds, floodplains, etc.; existing vegetative cover, including tree stands and the general type and size of trees, any existing utilities on site; the location and use of any existing structures on the site; identification and location of any historic structures or other natural or man-made features of historic interest; any existing easements; and any other significant site features.

22A-4(b)(3) RESTRICTIVE COVENANTS - Any proposed restrictive covenants or homeowners' association documents shall be provided in triplicate in a recordable form.

22A-5 REVIEW PROCEDURES - All applications for a PUD-1 shall be reviewed under the following procedure. The applicant may request recommendations from the Division of Planning at any point in the review process and make changes so that the revisions can be submitted to the remaining review groups.

22A-5(a) PRE-APPLICATION CONFERENCE - A pre-application conference as set forth in Article 6 shall be required prior to the submission of a map amendment request to a PUD-1 zone. At the conference a sketch plan and a preliminary site inventory shall also be presented.

22A-5(b) FILING - To formally request Planning Commission action on the map amendment to a PUD-1 zone, the applicant shall submit to the Division of Planning a completed application form, all materials as required herein and a fee as required by the Commission's adopted filing and fee schedule.

22A-5(c) TECHNICAL COMMITTEE - The Division of Planning and other concerned agencies shall review the submitted materials and meet together as a Technical Committee to discuss the technical aspects of the physical design elements of the proposed development and to delineate and try to resolve any conflicts. The Technical Committee shall make recommendations that shall be utilized in preparation of the staff's recommendation to the Commission's Zoning and Subdivision Committees.

22A-5(d) STAFF RECOMMENDATION - The Division of Planning shall review all land use and physical design elements of the PUD-1 proposal for compliance with the provisions and intent of this Article, and shall prepare a written report, including recommendations, for consideration by the Commission's Zoning and Subdivision Committees. The staff report shall also be included in information forwarded to the full Commission and Council.

22A-5(e) SUBDIVISION COMMITTEE - The Subdivision Committee shall review the recommendations of the staff and shall evaluate the map amendment request to determine its compliance with the requirements of the PUD-1 zone. The Subdivision Committee shall give special consideration to the physical design aspects of the development proposal in making its recommendation to the Commission.

22A-5(f) ZONING COMMITTEE - The Zoning Committee shall review the recommendations of the staff and shall evaluate the map amendment request to determine its compliance with the requirements of the PUD-1 zone. The Zoning Committee shall give special consideration to the land use aspects of the application but shall consider all aspects of the development proposal in making its recommendation to the Commission.

22A-5(g) PLANNING COMMISSION - The Planning Commission shall conduct a public hearing on the zone map amendment following the Commission procedure as set forth in Article 6 and shall vote to recommend approval, conditional approval or disapproval of the proposed map amendment within ninety (90) days of the date of filing unless the applicant agrees to a longer time period. The Commission shall review all submitted material and may recommend approval only if it is found that all materials including the preliminary Planned Unit Development Plan comply with the requirements and the intent of the PUD-1 zone.

22A-5(h) URBAN COUNTY COUNCIL - Upon receiving the written report from the Commission, the Council may adopt the recommendation of the Commission without a public hearing or may elect to hold a new public hearing in conformance with Article 6 of the Zoning Ordinance. In either case, the Council shall review the recommendation of the Commission, the staff and the submitted materials (preliminary planned unit development plan, inventory, etc.), and shall base its decision to approve or deny the proposed map amendment upon the materials submitted and their compliance with the intent and requirements of the PUD-1 zone.

If the Council elects to hold a new public hearing, it may also consider any materials or information submitted at the public hearing in making its decision. If it so desires, the Council may, upon holding a public hearing, declare certain aspects of the preliminary Planned Unit Development Plan as only being permitted to be changed on the final Planned Unit Development Plan, or subsequent amendments, with the approval of the full Council. Such declarations may take the form of specific restrictions or may be parameters within which subsequent plans may deviate from the approved preliminary Planned Unit Development Plan. For all plans where no such declaration is made, or where subsequent plans conform to the declarations or where the Council does not hold a new public hearing on the map amendment, no further action by the Council shall be required.

22A-5(i) CERTIFICATION OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN - Within six (6) months of the Council's action to approve a PUD-1 zone, unless a time extension has been granted, the following steps shall be completed:

- (1) The applicant shall submit a completed and corrected tracing of the preliminary Planned Unit Development plan to the Division of Planning. This plan shall include any restrictive notes required by the Commission or agreed to by the applicant at public hearings.
- (2) The preliminary Planned Unit Development Plan shall be certified by the Commission's Secretary if it is in conformance with all requirements.

Required copies of the tracing shall be made by the Division of Planning at the applicant's expense. If the requirements listed above have not been met within six (6) months, the staff shall notify the Commission and the Council, and either may initiate a map amendment to the previous zone or other appropriate zone. The Commission shall have authority to grant a time extension or to re-approve an expired plan. The Commission may require changes in the development plan where it is found that time has necessitated such changes for the health, safety or welfare of the community.

22A-5(j) EFFECT OF APPROVAL OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN - No construction may commence on any project based upon approval of the preliminary Planned Unit Development Plan. Approval of the preliminary Planned Unit Development Plan authorizes the developer to proceed with preparation of the final Planned Unit Development Plan. No final Planned Unit Development Plan shall be accepted as filed unless and until the preliminary Plan has been certified.

22A-5(k) FINAL PLANNED UNIT DEVELOPMENT PLAN - Within two (2) years of the Council's approval of the zone map amendment, a final Planned Unit Development Plan shall be submitted to the Division of Planning. The review procedure for the final Planned Unit Development Plan shall be the same as for the preliminary with the following exceptions:

- (1) The map amendment related filing materials and site inventory shall not be required.
- (2) The approval of the Urban County Council shall not be required.

22A-5(l) CERTIFICATION OF THE FINAL PLANNED UNIT DEVELOPMENT PLAN - Within six (6) months of the Commission's action the following steps shall be completed: The applicant shall fully comply with all conditions of the Commission and any restrictions agreed to by applicant at the Council's public hearing, and shall submit the completed tracing of the final Planned Unit Development Plan to the Division of Planning; the final Planned Unit Development Plan shall be certified by the Commission's Secretary if it is in conformance with the Commission's and Council's requirements. Required copies of the tracing shall be made by the Division of Planning at the applicant's expense.

If the requirements listed above have not been met within six (6) months, the staff shall notify the Commission and the Council and either may initiate a map amendment to the previous zone or other appropriate zone. The Commission shall have the authority to grant a time extension or to re-approve an expired plan, unless Council reserves authority for approval of the plan, in which case the Council shall

have final authority. Either body may require changes in the plan where it finds that time has necessitated such changes for the health, safety or welfare of the community.

22A-5(m) EFFECT OF APPROVAL OF THE FINAL PLANNED UNIT DEVELOPMENT PLAN - Upon certification and recordation of the final Planned Unit Development Plan, the developer shall be authorized to do the following:+

(1) PREPARATION OF IMPROVEMENT PLANS - The approval and certification of the final Planned Unit Development Plan shall have the same effect as approval of a preliminary subdivision plan. The applicant may proceed to prepare improvement plans in conformance with the requirements for preparation and review of such plans contained within the Land Subdivision Regulations.

(2) PREPARATION OF FINAL SUBDIVISION PLAN - A Final Subdivision Plan shall be required for all planned unit developments. Such plan shall be prepared, reviewed, and recorded in conformance with the requirements for Final Subdivision Plans contained within the Land Subdivision Regulations. Any restrictive covenants, or other restrictive notes required by the Commission or agreed to by the applicant at the Council's public hearing shall be shown or referenced on the final subdivision plan.

(3) ISSUANCE OF BUILDING PERMITS - Upon certification of the final Planned Unit Development Plan and recording of the Final Subdivision Plan, the Division of Planning shall forward copies to the Division of Building Inspection, which may issue building permits in accord with the approved final Planned Unit Development Plan and the Final Subdivision Plan. The plans shall limit and control the issuance of all building and occupancy permits and restrict the construction, location and use of all land and structures to the conditions set forth in the plans.

22A-5(n) AMENDMENTS TO FINAL PLANNED UNIT DEVELOPMENT PLANS - Amendments to final Planned Unit Development Plans shall require the same information and shall be reviewed and processed in accordance with the requirements and design standards contained herein for the original plan submission, except that amendments which meet the definitions of minor amendments under Article 21-7 of the Zoning Ordinance may be approved by the Division of Planning in accordance with the procedures contained within Article 21-7.

22A-6 DESIGN STANDARDS - The following design standards and criteria shall be applicable in the PUD-1 zone:

22A-6(a) DWELLING UNIT DENSITY - The overall gross dwelling unit density within the planned unit

development shall not exceed the recommendations contained within the adopted Comprehensive Plan.

22A-6(b) MINIMUM LOT SIZE - Except for the minimum total area requirement of three (3) acres under Section 22A-2, there shall be no minimum or maximum lot size dictated within this Article for the PUD-1 zone. However, the required development plans shall indicate lot sizes; and through the review and approval process, restrictions for minimum, and where appropriate, maximum lot sizes for the entire planned unit development, or defined areas within it, shall be established.

22A-6(c) PERIMETER YARD REQUIREMENTS - A minimum height-to-yard ratio of 1:1 for principal and accessory structures shall be required along the outside perimeter boundary of the planned unit development.

22A-6(d) ALL OTHER YARDS - There shall be no minimum setbacks or other yard requirements dictated within this Article for the PUD-1 zone other than those required through the Building and Fire Codes and a minimum required front yard of ten (10) feet along any continuous public collector street. However, the required development plans shall indicate proposed yard requirements, and through the review and approval process, restrictions on yards for the entire planned unit development or defined areas within it shall be established.

22A-6(e) USABLE OPEN SPACE - Within a planned unit development, not less than thirty percent (30%) of the gross land area shall be restricted to usable open space.

22A-6(f) BUILDING COVERAGE - The maximum building coverage shall not exceed thirty percent (30%) of the gross land area of the planned unit development.

22A-6(g) FLOOR AREA RATIO - The maximum floor area ratio shall not exceed 1:1, based upon the gross land area of the planned unit development.

22A-6(h) OFF-STREET PARKING - Off-Street parking shall be provided as follows:

Single family, two-family and townhouse dwellings: One (1) space per dwelling unit.

Multi-family dwellings: One and one-half (1½) spaces per dwelling.

Nursery schools, day nurseries and child care centers: Three spaces for the first twelve (12) children plus one (1) space for every ten (10) (or fraction thereof) additional children.

Churches, Sunday schools and parish houses: One (1) space for every five (5) seats in the main auditorium.

Nursing homes and rest homes: One (1) space for every four (4) beds plus one (1) space for each employee on the maximum working shift with a minimum of five (5) spaces.

22A-6(i) DESIGN AND IMPROVEMENT STANDARDS - All standards contained within Article 6 of the Land Subdivision Regulations shall be applicable to any planned unit development. The standards for street width, curb, gutter and sidewalks (but not the paving specifications) may be waived or modified for local streets where it is found that the planned unit development provides innovative design alternatives in keeping with the intent of the PUD zones and the intent of the PUD-1 zone and still achieves the basic objectives of the Land Subdivision Regulations.

22A-6(j) RELATIONSHIP TO THE SITE INVENTORY - The design of the planned unit development shall respond to the natural and manmade features of the site. The design shall not necessitate excessive grading, filling, the destruction or other alteration of the natural features. Where possible, the streets should follow the natural terrain. The design shall provide adequately for any historic feature on the site as well as any existing structure which is to be retained. The applicant shall use the flexibility of the PUD-1 zone to preserve such desirable natural and man-made features to the greatest feasible extent.

22A-6(k) RELATIONSHIP TO THE TRAFFIC NEEDS OF THE AREA - The planned unit development shall provide a road system which will be adequate to serve both the residents of the PUD-1 zone and the surrounding residents. The design shall provide for the continuation of existing or dedicated streets on adjoining or nearby tracts and provide for connection to adjoining unsubdivided tracts, especially those which would otherwise be landlocked. Collector streets as designated in the Comprehensive Plan shall be extended as shown therein.

22A-6(l) RELATIONSHIP TO THE SURROUNDING LAND USES - The planned unit development zone shall have a harmonious relationship to the surrounding land uses. Certain uses may be limited to specified locations within the PUD-1 zone or other restrictions or requirements may be made as necessary.

22A-6(m) ADEQUACY OF LIGHT, AIR AND OPEN SPACE - The design of the planned unit development shall provide for adequate light to each dwelling unit during all seasons of the year. The Commission may require a winter shadow plan to be submitted prior to making a recommendation or decision on the PUD-1 zone. Usable open space shall be distributed throughout the site so that open space is readily available to each unit. The dwelling units shall be arranged in relationship to each other and the terrain so that adequate ventilation is provided to each unit.

22A-6(n) APPLICABILITY OF OTHER ZONING ORDINANCE AND SUBDIVISION REGULATION ARTICLES - Except as specifically modified herein, all other provisions of the Zoning Ordinance and Subdivision Regulations generally applicable to development in the Lexington-Fayette Urban County shall be applicable within the PUD-1 zone.

22A-6(o) MAINTENANCE OF COMMON AREAS - Where the design of the Planned Unit Development indicates a need or desire to subdivide property and to provide for common areas, a Homeowners' Association, or other mechanism for the provision of maintenance, improvement, and operations for all common areas including streets, parking areas, open space, etc., shall be required to be established by the applicant. The applicant's responsibility to create such a mechanism shall be noted on the development plan of the Planned Unit Development. A requirement that each property owner be individually responsible for maintenance of the common space abutting the lot shall not be considered as acceptable for fulfilling the requirements of this section.

22A-6(p) INNOVATIVE DESIGN - The planned unit development shall utilize a design or arrangement of unit types which would not be customary using traditional techniques. While some units or buildings may be arranged in a traditional manner, the overall design should reflect the intent of the PUD zones as well as comply with all requirements and the intent of the PUD-1 zone.

22A-7 TIMING OF DEVELOPMENT - Within five (5) years of the approval of the final Planned Unit Development Plan, unless an extension of the time period is granted, the applicant shall be required to obtain building permits for all structures shown thereon. No permits for unconstructed buildings may be issued after that date based on the final Planned Unit Development Plan. The applicant may submit a new final plan for review or may request that the previous plan be re-evaluated to determine if time has necessitated changes in the plan for the health, safety, or welfare of the community. In either case, the procedure for submission and review shall be as required for a final planned unit development plan contained herein.

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