
ARTICLE

15

PLANNED DEVELOPMENT DISTRICT (PD)

SECTION 1500

Intent

This article is to provide a permissive, flexible and alternative zoning district and procedure for innovative, mixed use residential, commercial, industrial or other type developments or physical design proposals capable of proving substantial benefit to the community over the conventional districting and other regulations in this order but requiring unique consideration, disposition, control and approval. Planned Development (PD) is a special overlay zoning district, which allows various types of land uses and densities in return for appropriate, flexible, creative and high quality designs consistent with the standards and criteria of this article, including the adopted Comprehensive Plan. Its purpose is to allow development of the land uses on property identified as requiring an extra layer of review or regulation. It enables development of property consistent and coordinated with infrastructure and other appropriate land use factors based upon a proper review.

Since Planned Development is an overlay zone, there is always an underlying zone which serves as a reference for uses within a district at large that may be proposed and approved, subject to the provisions of this article. All uses allowed in the underlying zone, whether they are permitted, accessory, or conditional, may be proposed and approved if compatible for a proposed development and the immediate vicinity, based upon the provisions of this article.

The intensity of use in a Planned Development zone may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zoning district. It may also have overall intensity that is less than the maximum intensity of the underlying zone. Density, open space, infrastructure and other land use factors and impacts are significant in reviewing any Planned Development. Where building intensity is increased on a particular portion of a Planned Development, then the amount of open space, retention of existing vegetation, buffer areas, and new landscape, public commons, community open space and parks shall be evaluated for proportionate increase for the remainder of the Planned Development.

A Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. However, any exceptions to the normally applicable development standards in a Planned Development must be requested in writing in the Concept Development Plan application pursuant to Article 3. In the case that a specific land use or corridor study has been adopted for an area within a Planned Development district, intensity and open space recommendations of that study shall apply to specific development sites within the study area.

The Planned Development zone promotes, provides, and creates:

1. A maximum choice of living environments by allowing a variety of housing and building types and permitting a reduction in lot dimensions, yards, building setbacks, and area requirements in exchange for development that demonstrates excellence in environmental design, the mitigation of land use factors or impacts, and the provision of amenities;
2. A more useful pattern of open space and recreation areas incorporated as part of the project and that is compatible with the immediate vicinity, and that coordinates commercial uses and services in a manner

that is consistent and compatible with existing or planned infrastructure;

3. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;
4. More efficient use and development of land than is generally achieved through conventional regulations resulting in substantial savings through shorter utilities, streets, and other infrastructure;
5. A development pattern consistent with the adopted Comprehensive Plan and any other appropriate land use studies;
6. A signage package that emphasizes consistency and the minimal use of signs.

SECTION 1510

Provisions Governing Planned Developments

Because of the special characteristics of planned developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this article and those of other articles of this order, the provisions of this article shall prevail. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this order.

SECTION 1511

Permitted Uses

Uses listed as principally permitted, accessory or conditional uses in the underlying zone are allowed within a Planned Development district as long as the requirements of this article have been met, including approval by the appropriate legislative body or Fiscal Court of a Concept Development Plan. Further, any other uses not listed in the underlying zone are permitted if found to be compatible and of benefit to the community and meet the requirements of this article, including approval for any such use or uses through a Concept Development by the appropriate legislative body or Fiscal Court. Uses proposed for a Planned Development district shall not adversely affect adjacent property, and/or the public health, safety, and general welfare and/or the provisions of the adopted Comprehensive Plan. The review and decision making process under this article identify adverse impacts and address how they may be minimized, if possible, to satisfy the requirements of this article. In no event shall this article on its face or as applied prohibit all use of property zoned with a Planned Development overlay district.

It is also provided that the amount of land devoted to each use in a Planned Development shall be determined through the Concept Development Plan review and approval process. The appropriate legislative body or Fiscal Court shall have final decision making authority and the Planning Commission is a recommending body pursuant to the provisions of this article.

SECTION 1512

Intensity

The intensity of use in a Planned Development may exceed by no more than fifty (50) percent the maximum intensity permitted in the underlying zone district.

SECTION 1513

Minimum Size

The minimum size or area required for a Planned Development overlay shall be no less than five (5) acres.

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do

not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

In general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominant. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given

to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.

7. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. **Historic and Prehistoric Features:** Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. **Signage:** A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. **Transportation Connections and Entry Points:** The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted bikeway and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
11. **Conformance with Comprehensive Plan:** All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary

application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.

SECTION 1515

Procedure

After review and recommendation by the Planning Commission and upon approval by the legislative body or Fiscal Court, a planned development zoning district or classification may be applied to any other existing district in this order. The zoning of property with a Planned Development overlay district and an underlying zone can occur without approval of a Concept Development Plan, however, a Concept Development Plan must be approved before a Planned Development overlay district can be utilized. Upon approval of a Concept Development Plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, "CD", which gives notice that a development for that property has been approved pursuant to this article. Planned Development districts shall be approved by the legislative body or Fiscal Court. Planned Development districts may originate from the Planning Commission, appropriate legislative unit or a private property owner. Applications for a Concept Development Plan review and approval shall originate from the property owner.

For development plans on sites within the Houston-Donaldson Study Area, the recommended Implementation procedure in that study shall be followed. This may result in a development not following the normal Planned Development process if those development plans are consistent with the recommendations of the Houston-Donaldson Study. This shall be determined through a Long Range/Comprehensive Planning Committee (or equivalent committee) recommendation to the full Planning Commission at the next regular Business Meeting. Decision as to the review process to be followed shall be by simple majority vote.

SECTION 1516

Pre-Application Meeting

If a property owner proposes a Planned Development district, he or she shall meet with an appropriate staff person of the Planning Commission prior to the submission of a Concept Development Plan. The purpose of the meeting will be to discuss early and informally the purpose and effect of this order and the criteria and standards which may apply, and to familiarize the developer with the detailed objectives of the Comprehensive Plan and its elements, this order and this article.

SECTION 1517

Concept Development Plan and Utilization of an Underlying Zone in a Planned Development

The Planning Commission shall require that a Concept Development Plan be submitted for the development or redevelopment of property located in a Planned Development zone. The Concept Development Plan may be filed to the Planning Commission by the owner(s), owner by contract (option) or lessee of property for which the planned development is proposed. If the Concept Development Plan involves a zone change, then the proposal is subject to the criteria in Section 308 as well as the provisions of this article. If the Concept Development Plan does not involve a zone change, or only involves uses that are permitted in the underlying zone (also called a "Utilization of an Underlying Zone Within a Planned Development"), then the proposal is subject only to the provisions of this article. The contents of the Concept Development Plan submittal shall include the items listed in Section 303.

SECTION 1518

Public Hearing by Planning Commission

Upon receipt of an application for approval of a Concept Development Plan or a Zoning Map Amendment involving the Planned Development Overlay District, the Planning Commission shall hold at least one public

hearing, after notice as required for amendment under Kentucky Revised Statutes, Chapter 424, as stated in Section 305 of this order.

SECTION 1520

Approval in Principle by Planning Commission

Within sixty (60) days of receipt of an administratively complete application for a Concept Development Plan, as defined in Section 306, and after the public hearing required by Section 1518 has been conducted, the Planning Commission shall determine whether the Concept Development Plan is consistent with the intent, purpose, requirements, and standards of this order; whether the proposed development advances the general welfare of the community and neighborhood, and whether the benefits, combination of various land uses, innovation of physical design, and the inter-relationship with the land uses in the surrounding area justify any deviation from standard district regulations. The Commission shall submit a recommendation to the legislative body or Fiscal Court for either approval or denial of the Concept Development Plan. If approved by the legislative body or Fiscal Court, this approval in principle shall constitute a commitment to the general layout of the project, planned land use types and intensities, design treatments and other particulars as shown on the Concept Development Plan. Approval in principle shall not be construed to endorse engineering feasibility or plan elements that do not meet the development standards of this order or the Boone County Subdivision Regulations unless an exception is specifically granted through the review and approval of the Concept Development Plan. The Planning Commission may seek assistance in making its recommendation from any appropriate source. Final action on the Commission's recommendation of either approval or denial of the Concept Development Plan is taken by the legislative body or Fiscal Court having jurisdiction.

SECTION 1521

Action by Legislative Body or Fiscal Court

Final action for approval or denial of a Planned Development designation or a Concept Development Plan shall be made by the appropriate legislative body or Fiscal Court. After recommendation by the Planning Commission all materials constituting the record and recommendations of the Planning Commission shall be transmitted to the legislative body or Fiscal Court. Within ninety (90) days from the Commission's recommendation the legislative body or Fiscal Court may take final action to approve or deny the Planned Development zoning map designation or Concept Development Plan application. Approval shall be by ordinance. When a Planned Development zoning designation is approved, the subject property so zoned shall be designated "PD" on the Official Zoning Map with the underlying zone as part of its zoning classification. Upon approval of a Concept Development Plan to utilize this zoning classification, the notation "CD" shall be placed on the Official Zoning Map. A Certificate of Land Use Restriction giving notice of the approval for the Concept Development Plan or Planned Development zoning as part of a map amendment shall be filed within 30 days of final action as explained in Section 280. If disapproved, the legislative body or Fiscal Court shall state the reasons for disapproval.

SECTION 1522

Amendments to an Approved Concept Development Plan

Major amendments to an approved Concept Development Plan that involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect must be submitted to the Planning Commission and shall conform to the procedure described in Sections 1500-1521. Minor amendments to the approved Concept Development Plan that do not involve changes in the development concept, uses, intensity, supplemental conditions of approval, or other plan elements of substantive effect may be approved by the Zoning Administrator.

SECTION 1525

Subdivision and Site Plan Approvals

After approval of the Concept Development Plan by the Legislative Body or Fiscal Court, or determination by the Planning Commission that the developer's plans are consistent with a specific study that impacts the development site, the developer shall proceed to Subdivision Review and/or Site Plan Review. Provisions for subdivision

review are stated in the Boone County Subdivision Regulations and for Site Plan Review are outlined in this Zoning Order.