

**SECTION 10.13 RCD RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE:**

- A. **PURPOSE:** The purpose of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Single Family Residential Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of buildings, 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 Single Family Residential land development procedures.
- B. **GENERAL:** A Residential Cluster Development Overlay Zone may only be permitted to be superimposed over any of the R-1 Single Family Residential 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 to provide for the most efficient layout of the RCD Zone and its proper integration with the surrounding development are met; and a public hearing is held.
- C. **APPLICATION AND PROCESSING:** Applications for Residential Cluster Development Overlay Zone shall be processed in two stages:
1. Stage I – Development Plan and Zoning Map Amendment – Application for amendment to RCD overlay zone shall include a development plan in accordance with the requirements of Subsection D.
    - a. The Planning Commission shall hold a public hearing on the proposed application, 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 Stage I Development Plan and other applicable requirements of this section. Upon holding such hearing, the Planning Commission shall make one of the following recommendations to the legislative body: approval, approval with condition 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 legislative body shall, within forty-five (45) days after receiving the recommendations of the Planning Commission, review said recommendations and take action to approve or disapprove said RCD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body 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 10.14, C, 1, a. Approval of the RCD Overlay

Zone shall require that development be in conformance with the Stage I approved Development Plan.

The legislative body shall forward a copy of the approved Development Plan, certified as such by said body, to the Planning Commission for further processing in accordance with the requirements for Stage II Development Plan and record plat. Zoning Map Amendment - upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix "RCD" to the existing residential (R-1) zone (e.g., RCD-R-1B, RCD-R-1C, etc.) for the area as shown on the Stage I approved development plan.

2. Stage II – Development Plan and Record Plat - A Stage II development plan and record plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of Subsection E, and submitted to the Planning Commission for its review and approval. Except for the manner of submission and processing, the Subdivision Regulations may be waived, where applicable, and the requirements of Subsection E 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 Stage II development plan with regard to its compliance with the required elements of Subsection E. 1, for Stage II development plans, other applicable elements of this ordinance, other applicable regulations, and its conformity with the Stage I approved development plan. The Planning Commission, in approving the Stage II development plan, may authorize minor adjustments from the Stage I approved 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 Stage II Development Plan, a copy of said plan, shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the Stage II approved development plan and other plans as may be required by this ordinance.
  - b. Upon approval of the Stage II development pan, the Planning Commission, shall review the submitted record plat with regard to its compliance with the required elements of Subsection E, 2, for record plats, the applicable requirements of the Subdivision Regulations, and its conformity with the approved Stage II approved 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 by the Planning Commission to the office of the County Clerk to be recorded.

D. **STAGE I DEVELOPMENT PLAN REQUIREMENTS:** The stage I development plan shall identify and provide the following information:

1. Plan(s) of the subject property drawn to a scale not smaller 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 and proposed topography shown by contour with intervals not to exceed five (5) feet
  - e. All existing and proposed housing units on the subject property:
    - (1) Detached housing – location, arrangement and number of all lots, including a typical section(s) identifying approximate lot sizes and dimensions, and setbacks and height of buildings
    - (2) Attached housing – location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable
  - f. Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property
  - g. The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas
  - h. Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimensions
  - i. Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades
  - j. Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions
  - k. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service

- l. Certification form appropriate water and sewer agencies that services will be available
- m. Landscaping features, including identification of planting areas and the location, type, and approximate height of fences and walls
- n. Location of signs, indicating their orientation and approximate size and height
- o. Identification of soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems
- p. A 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 common ownership
  - (4) Nonresidential buildings and uses, in order of priority

The information required in items a through p, may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

**E. STAGE II – DEVELOPEMNT PLAN AND RECORD PLAT REQUIREMENTS:** The Stage II development plan and record plat shall conform to the following requirements:

1. Stage II Development Plan: The applicant shall submit a Stage II development plan, in conformance with the Stage I approved development plan, at a scale not smaller than one (1) inch equals one hundred (100) feet, that identifies and provides the following information:
  - a. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five (5) feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five (5) feet may be required by the Planning Commission
  - b. All housing units on the subject property:
    - (1) Detached housing – location, arrangement and number of all lots, including exact lot dimensions and setbacks, and maximum height of all buildings
    - (2) Attached housing – location, height, and arrangement of all buildings indicating the number of units in each building, and where applicable, location and arrangement of all lots with exact lot dimensions

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- c. Location, height, arrangement and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions
  - d. All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities
  - e. Landscaping features, including identification of planting areas on the location, type, and approximate height of fences and walls
  - f. Location of signs indicating their orientation and size and height
  - g. All utility lines and easements:
    - (1) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances
    - (2) Sanitary sewer systems, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity and process of any necessary treatment facilities, and other appurtenances
    - (3) Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (in-let) the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property
    - (4) Other utilities (e.g., electric, telephone, etc.) including the type of service and width of easements
  - h. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces
  - i. Circulation system:
    - (1) Pedestrian walkways, including alignment, grades, type of surfacing and width
    - (2) Streets, including alignment, grades, types of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections

- j. Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction
- k. The schedule of development staging and phasing in accordance with the requirement in Subsection D, 3, and as approved in the Stage I development plan

The information required by Section E, items a through k, may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

- 2. Record Plat: The applicant shall submit a record plat, in conformance with Stage II approved development plan, at a scale not smaller than one (1) inch equals fifty (50) feet. If the record plat is submitted in sections, an index shall be developed showing the entire RCD. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The record plat 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 indication 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 of 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
- F. RESIDENTIAL USES AND DENSITIES: Attached and detached single family dwellings may be permitted within a RCD overlay zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the residential (R-1) Zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area excluding that land denoted to streets (private and public).
- G. PUBLIC AND SEMI-PUBLIC USES: Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the Stage I development plan and shall be limited to one or more of the following uses:
- 1. Churches
  - 2. Community centers, including day care facilities
  - 3. Country clubs
  - 4. Fire or police stations
  - 5. Libraries

6. Schools (nursery, elementary and secondary)
- H. AREA REQUIREMENTS: No RCD Overlay Zone shall be permitted on less than five (5) acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone, may be permitted, if the proposed development conforms to all extends the original development as if the new area had been part of the original development.
- I. HEIGHT, YARD, AND SETBACK REGULATIONS: Requirements shall be as approved in the Stage I Development Plan.
- J. OFF-STREET PARKING AND LOADING AND/OR UNLOADING: Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with Articles XII and XIII of this ordinance.
- K. FENCES, WALLS, AND SIGNS: The location, height, and type of all fences, walls, and signs, shall be as approved in the Stage I Development Plan.
- L. EROSION AND SEDIMENTATION CONTROL: Effective erosion and sediment controls shall be planned and applied in accordance with Section 9.7 of this ordinance.
- M. COMMON OPEN SPACE - RECREATION AREA: At least twenty percent (20%) of the total acreage of the proposed RCD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to and usable by all the residents of the RCD. Common open space and recreation areas shall be that part of the total project exclusive of dwellings, streets, parking areas, single family lots, commercial areas, and other non-open space and nonrecreationally oriented facilities.
- N. AMENDMENTS: Any amendments to plans, except for the minor adjustments which may be permitted by the Planning Commission, 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.
- O. EXPIRATION: Any amendment to RCD Overlay Zone 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 zoning designation. A public hearing may be initiated if either of the following conditions apply:
1. Stage II Development Plan has not been approved by the Planning Commission, within a period of twelve (12) consecutive months from the date of the Stage I approved Development Plan and RCD Overlay Zone Amendment 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 Stage I approved 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 Stage II Development Plan by the Planning Commission; provided that an extension may be permitted upon approval by 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 Stage I approved development plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved development plan.