

### 8.1 Coordination with Subdivision Regulations

In all cases where land located within the jurisdiction of the Cities of Bardstown, Bloomfield, Fairfield, New Haven and Unincorporated Nelson County is divided for the purpose of eventual development of lots of any kind or for any use, the provisions of the Subdivision Regulations, heretofore adopted for all of Nelson County with amendments thereby, shall apply in addition to the provisions of the Zoning Regulations.

### 8.2 Planned Unit Development (PUD) Procedures & Requirements

Intent: The Planned Unit Development or PUD regulation is provided to allow flexibility in development for the benefit of the developer, the Planning Commission and its staff as well as the community as a whole. With the flexibility allowed comes unique opportunities and responsibilities. This regulation outlines those opportunities and responsibilities. The Planning Commission may impose those additional requirements that it deems necessary to insure that the proposed development pattern blends with its unique surroundings and is a benefit to the community at large.

#### A. Procedure - Required Steps for Planned Unit Development Approval:

A Planned Unit Development is approved in the same way as a zoning map amendment (rezoning). A recommendation concerning the approval of the designation (PUD) is forwarded to the appropriate legislative body, after a public hearing, for its final action. The specific steps for approval, in order of occurrence, are as follows:

- (1) Pre-application Conference with Staff (~~not required but highly recommended~~ **mandatory**): At this conference, staff reviews materials provided by the developer/applicant and makes substantive suggestions concerning timing, designations requested, site design and layout as well as any other relevant matter. This meeting is suggested to assist the developer/applicant in making a complete and current application at the earliest opportunity.
- (2) Application: An application, provided by the Planning Commission office, is completed and submitted prior to established deadlines. All required supplemental materials or attachments must also be submitted (see Section B. below) or the application will be considered incomplete and not accepted. Please note that a joint application may be made requesting a PUD designation and a related zoning map amendment.
- (3) Public Hearing: A public hearing, held pursuant to the same procedures and requirements as a map amendment/rezoning hearing, will be held at which the Planned Unit Development application will be heard. Testimony and evidence gathered at the public hearing will be transmitted as part of the record to the Planning Commission.
- (4) Planning Commission Consideration: The Planning Commission will consider an application for a Planned Unit Development designation in two parts. First, it shall consider the PUD designation itself and the impact that it would have on the surrounding land use pattern. Second, if the PUD designation is recommended for approval as part of the first step, then the Planning Commission will consider, during its normal consideration of subdivision plats, the development plan submitted as part of the PUD application. The development plan will be considered as a preliminary plat. (Note: Approval of a final development plan will only occur after the final approval of the PUD designation. See Section 6 below). Approval of the development plan, considered as a preliminary plat, is conditioned on the final approval of the PUD designation by the appropriate legislative body. If the PUD designation is denied by the legislative body, the approval of the preliminary development plan is void.

- (5) Consideration and Approval by the Appropriate Legislative Body: After consideration and recommendation by the Planning Commission, the appropriate legislative body shall consider the record established for the PUD designation request in the same manner and by the same procedures that it would consider a map amendment or rezoning. The approval of the PUD designation by the legislative body finalizes the PUD approval process subject to final development plan approval (see Section 6 below) and the conditions imposed, if any, as part of the approval of the PUD designation process or that for the development plan.
- (6) Final Development Plan Consideration and Approval: After final approval of the PUD designation by the appropriate legislative body, a final development plan shall be submitted to the Planning Commission for its consideration and approval. The submission of the final development plan must be made within 3 months of the final approval of the PUD designation or that designation will become void. The Planning Commission shall review and approve, if appropriate, the final development plan in the same manner and by the same procedures as it would approve a final subdivision plat.
- (7) Recording of the Final Development Plan: Within 3 months of the approval by the Planning Commission of the final development plan, a copy of the approved plan with appropriate original signatures affixed, shall be filed in the office of the Nelson County Clerk in a manner identical to a final subdivision plat. Failure to so file a final development plan shall void the development plan and the PUD designation approvals.

**B. Application Requirements**

- (1) Application Format: The application used to request a Planned Unit Development designation shall be substantially similar to that used to request a zoning map amendment or rezoning with any additional items deemed necessary by the Planning Commission to adequately consider the request.
- (2) Development Plan Submittal and Content Requirements: All development plan submittals shall be made in a manner similar to that for preliminary and final subdivision plats respectively. Six (6) copies of the preliminary development plan shall be submitted with the PUD designation request application. In addition to all items required to be shown on subdivision plats (preliminary subdivision plat requirements for preliminary development plans, final for final, see Subdivision Regulations for All of Nelson County for requirements), development plans shall include:
  - (a) Areas designated for each particular land use;
  - (b) General locations of any primary use structure, for multi-lot developments a typical lot development pattern for each land use type may be used;
  - (c) Areas dedicated for parking;
  - (d) Storm water retention facilities;
  - (e) Areas to be used for screening and buffering with indications of the type of screening or buffering to be used;
  - (f) Dedicated open or green spaces;
  - (g) For developments with commercial or industrial uses, areas designated for signage and lighting plans; and
  - (h) The final development plan shall reflect all conditions and requirements imposed by the Planning Commission and/or legislative body during the approval; process for the preliminary development plan and/or the PUD designation.
- (3) Application Fee: The completed application and other submittals shall be accompanied by the appropriate application fee. A separate fee is charged for a Planned Unit Development designation request and a zoning map amendment request, even if made jointly. See Article 17 - Fee Schedule, of these regulations for the appropriate fee amounts.

C. Expiration of Development Plan

If property, to which a Planned Unit Development designation has been applied, has not been fully developed within ~~3 years~~ **10 years** of the date of filing the final development plan, the Planning Commission may hold a public hearing to reconsider the designation. After the public hearing and in manner the same as that for approval of a PUD (see section 8.2(A) above) the Planning Commission may recommend amendment or revocation of the PUD designation to the appropriate legislative body.

D. Amendments

Any change in the use or development pattern approved and reflected in the final development plan, must receive approval by the Planning Commission and, in the case of substantive changes in use or development pattern, the appropriate legislative body. The approval process for any amendment shall be the same as that provided section 8.2 (A) herein. A waiver of the preliminary development plan requirement (substituting an amended final development plan) may be granted by the Planning Commission where deemed appropriate.

E. Standards for Approval

The standards for approval of a Planned Unit Development designation shall be the same as those outlined in state law for zoning map amendments as well as compliance with requirements, considered mandatory, listed for planned unit development uses in each zoning district classification contained heretofore in these regulations. The standards for approval of the preliminary and final development plans shall be compliance with the PUD designation as approved and the standards for approval of subdivision plats contained in the Subdivision Regulations for All of Nelson County.