

ARTICLE XIV – PUD/CLUSTER DEVELOPMENT

Sect. 1400 Planned Unit Developments (P.U.D.)

The owner or owners or their agents of any tract of land comprising an area of not less than 20 acres may submit to the Planning Commission a development plan for the entire tract of land for residential and allied purposes. This may also be done in a Business or Industrial District for business, or respectively, industrial and allied purposes. However, the development plan shall constitute a preliminary subdivision plan and shall conform to the appropriate requirements of the subdivision regulations regardless of the intent to subdivide property.

The plan may vary from the provisions of this ordinance and the subdivision regulations procedure if major variations are noted either on the plan or are submitted in writing to the Commission. It is anticipated that variances may be found in any or all of the following: lot size, building setback, yard requirements and in types of uses.

An information copy of the development plan shall be submitted to the Fiscal Court or to the appropriate city council. A public hearing shall be held by the Planning Commission within forty-five (45) days after the plan is received and after public notice in a newspaper having county-wide circulation and after written notice to abutting property owners.

The Planning Commission shall make a decision within a reasonable time based upon the plan meeting the following conditions:

- 1.) The property adjacent to the area included in the plan will not be adversely affected.
- 2.) That the plan is consistent with the intent and purposes of this ordinance in promoting the public health, safety, morals and general welfare.
- 3.) That the buildings shall be used only for uses permitted in the zone, except, however, that adequate local business areas may be permitted in an Agricultural or Residential District serving primarily the residents of the development and that townhouse developments with no more than four units per building may be permitted to be built in the R-2 Districts.
- 4.) That the density of the dwelling units per acre does not exceed the limits for the zoning district(s) in which the development is located.
- 5.) That permitted business uses shall be limited to those uses allowed in the B-1 District, and they shall not occupy more than ten (10) percent of the gross land area of the development.

The Commission may attach any conditions on approval as it deems necessary to safeguard the public welfare, health, morale, convenience and best interest of the adjoining properties and neighborhood. The Commission may give preliminary approval on the Planned Unit Development and withhold final approval until construction plans are submitted and approved, or, until plans are revised to show that any condition(s) attached to the approval have been incorporated into the development plans. If any uses are proposed that otherwise are not permitted in the zoning district, an application for re-zoning and payment of fees shall be submitted along with the application for Planned Unit Development. The hearing to be held on the P.U.D. shall constitute the hearing required for the re-zoning application and shall be properly advertised. Where a change in the zoning map or district is requested in a P.U.D., the same procedure for re-zoning in other districts shall be followed.

Sect. 1401 Cluster Developments

The purpose of Cluster Developments is to provide a method of land and subdivision development that permits variation in lot sizes and yard requirements without an increase in the overall density of population or density of dwelling units per acre than is otherwise permitted in the district. This allows developments to offer home buyers a choice of lot sizes according to their needs while preserving open space, tree cover, scenic vistas, natural drainage ways, and outstanding natural topography, while preventing soil erosion, large cuts and fill areas to accommodate housing. This provision is adopted to provide freedom of architectural and site design. In order to achieve these purposes the procedure established in Article II, Section 212, Planned Unit Developments shall be followed.