

## ARTICLE 9. PLANNED DEVELOPMENTS

### 9.01. PURPOSE

The purpose of the Planned Development (PD) district is to:

- A. Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
- B. Encourage flexibility in the design of development specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
- C. Provide harmonious transitions between uses by utilizing land uses, landscaping buffers, or other similar techniques.
- D. Allow for, and encourage, the development of infill sites and the redevelopment of existing sites in a creative manner that respects existing circumstances, adjacent land uses, topography, lot size, and other similar elements.
- E. Allow for safe and efficient transportation networks that accommodate automobiles, non-motorized vehicles, and pedestrians.

### 9.02. APPLICABILITY

#### A. Existing Planned Development Districts

- 1. Existing Planned Development Districts approved by the City of Frankfort and Franklin County will remain in existence and their development plans continue to be enforced.
- 2. Revisions to existing Planned Development Districts shall comply with the regulations contained in [Section 9.07. Modifications to Approved Planned Developments](#).

#### B. New Planned Development Districts

New Planned Development Districts shall comply with the provisions contained in this Article.

### 9.03. ESTABLISHMENT OF A PLANNED DEVELOPMENT

- A. The following are the Planned Development districts that are available to property owners at their election. All approved Planned Development districts shall be identified on the official zoning map with one (1) of the following designations:
  - 1. "PD-R," Planned Development, Residential
  - 2. "PD-MC," Planned Development, Mixed-Commercial
  - 3. "PD-E," Planned Development, Enterprise
- B. A PD under these Zoning Regulations is a map amendment (zoning district change) established by legislative action of the Planning Commission and/or the Board of Commissioners or Fiscal Court. Therefore, the appropriate body may approve, approve with conditions, or disapprove a Planned Development based upon considerations of the general health, safety, and welfare of the city, county, and its inhabitants.
- C. Yard and setback requirements, the type of dwelling unit, frontage, height, density, and use restrictions contained in other articles of these Zoning Regulations are hereby waived for PDs, provided that the intent and objection of [Section 9.01. Purpose](#) are implemented in the total PD as determined by the Planning Commission.
- D. Similarly, because of the flexibility allowed regarding the location and orientation of structures in a PD, additional provisions for screening, open space, lighting, underground utilities, and other safeguards not otherwise required by these Zoning Regulations, or other ordinances of the city or county may be required as determined by the Planning Commission.

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### 9.04. APPLICATION REQUIREMENTS

- E. Development and design regulations for a PD which are not stipulated within this section or within a Final Development Plan shall be subject to the regulations for the most similar zoning district to the proposed PD as determined by the Planning & Zoning Director. This shall include signage, lighting, landscaping, dimensional standards, and other similar items.
- F. Evidence shall be provided that the applicant has control over the land contained within the PD application. Alternatively, a signed acknowledgement from the owner of the land granting permission for the proposed development may be provided at the time that the application is submitted.

### 9.04. APPLICATION REQUIREMENTS

#### A. Preliminary Development Plan

The Preliminary Development Plan shall include the following information. The quantity of application(s) and sets of plans, application fee(s), and other submittal requirements are included on the applicable development application.

1. A survey or engineering drawing of the property (or properties) to be included in the Planned Development.
2. The plan shall include a vicinity map, north arrow, scale bar, applicant contact information, and proposed development title.
3. Evidence that the applicant has the consent of the property owner to submit the Preliminary Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interests in the tract of land and the proposed development.
4. A narrative description of the proposed development.
5. A plan that identifies the proposed parcels contained within the development.
6. Existing property lines of adjacent properties noting the owners of record and existing zoning designations and uses.
7. The location of proposed buildings and land uses within the development. The amount of land area/proposed square footage dedicated for each land use shall be specified.
8. A list and description of all intended and anticipated uses to be included within the Planned Development. Uses shall be based on those established in [Table 3.03-1: Use Table](#).
9. Preliminary open space system including interior landscaping and perimeter buffering concepts.
10. Location of existing and proposed streets, drives, access locations, parking areas, and pedestrian network.
11. Minimum peripheral setbacks around the perimeter of the development.
12. A Traffic Impact Study, if deemed required by the Planning & Zoning Director or the appropriate engineering authority.
13. For Planned Developments that include residential development, a statement of density of the various uses within the development.
14. Any other information as requested by the Planning & Zoning Director, Planning Commission, or Board of Commissioners.

#### B. Final Development Plan

The Final Development Plan shall include the applicable information from the Preliminary Development Plan and the following additional information:

1. A plat prepared by a registered surveyor or engineer for the entire development area identifying parcel numbers, lines, dimensions, and areas.

2. Evidence that the applicant has the consent of the property owner to submit the Final Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interest in the tract of land and the proposed development.
3. Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development district.
4. The existing topography with contour intervals of not less than five (5) feet, and final contours at two (2) feet maximums.
5. The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of spaces), ingress and egress driveways and their relation to existing and proposed streets and rights-of-way, proposed landscaping, signage, and all other significant features of the proposed development.
6. A statement of density of residential uses within the development, if applicable.
7. Building elevations of all sides that indicate proposed architectural character. Exterior finishes and colors shall be identified. Material boards may be required upon request by the Planning & Zoning Director; or a set of materials/design standards to guide future buildings/residences to indicate architectural character and any proposed materials requirements within the development.
8. Design and location of existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention/detention areas, and yards. The common and scientific names of all proposed plant species shall be provided along with the quantity and sizes of each.
9. The location of all existing trees with a caliper of four (4) inches or more.
10. Existing and proposed sanitary sewers, water mains, culverts, and other underground structures.
11. Lighting, including fixture types, sizes, and a photometric plan indicating the minimum and maximum illumination and the footcandle reading of outdoor lighting at all property and district boundary lines.
12. Service structures and trash facilities, including dumpster pads and enclosure details.
13. Notation of any right-of-way dedication that may be necessary for the widening or extension of any public or private street(s).
14. Sign plan indicating location, sizes, design, materials, and illumination for all proposed signs.
15. Development schedule and project timetable along with a phasing plan for the development, if applicable.
16. Any other information as requested by the Planning & Zoning Director or Planning Commission.

## **9.05. PLANNED DEVELOPMENT APPROVAL PROCESS**

The Planned Development process shall follow the specific procedures outlined in this section:

### **A. Step 1: Pre-Application Meeting**

1. Applicants are required to engage in an informal pre-application meeting prior to the formal submittal. Such meeting(s) may include the following:
  - a. Attending a meeting with the Planning & Zoning Director; and/or
  - b. Attending an informational work session of the Planning Commission.

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2. All comments and recommendations provided at the pre-application meeting, regardless of whether the meeting is with staff or the Planning Commission, are not binding on staff, the Planning Commission.

#### B. Step 2: PD Zoning Map Amendment and Preliminary Development Plan

1. The applicant shall submit their application for a PD Zoning Map Amendment and Preliminary Development Plan to the Planning & Zoning Director in accordance with the provisions of this article.
2. The Planning & Zoning Director shall determine if the application is complete or if additional information is needed. The Preliminary Development Plan submittal shall comply with the requirements as outlined [Section 9.04.A. Application Requirements – Preliminary Development Plan](#) and [Section 13.06.A. Zoning Map and Text Amendments](#). Upon determination that the application is complete, it shall be referred to the Planning Commission for review.
3. The Planning Commission shall hold a public hearing on the PD Zoning Map amendment in accordance with [Section 13.04. Public Hearing Notice Requirements](#) and [Section 13.06.A. Zoning Map and Text Amendments](#).
4. Following approval of the zoning map amendment, the official Zoning Map shall be updated to identify the subject property as being zoned a “Planned Development” with the appropriate suffix (“-R,” “-MC,” or “-E”) and the applicant may proceed with submitting a Final Development Plan.
5. Approval of the Preliminary Development Plan is an approval of the concept of the development only. No excavation, construction, or site work is permitted under Preliminary Development Plan approval.

#### C. Optional: Combined Preliminary and Final Development Plan

The applicant may request to combine the applications for the Preliminary Development Plan and the Final Development Plan. The Planning & Zoning Director may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project.

1. If the combined process is authorized, all requirements of both [Section 9.04.A. Preliminary Development Plan](#) and [Section 9.04.B Final Development Plans](#) shall be met for the combined submittal.
2. The applicant shall submit the PD Zone Map Amendment with the Final Development Plan and any additional information that is required for the Preliminary Development Plan.
3. The applicant shall follow the process established for approval of a Preliminary Development Plan, as detailed in [Section 9.05.B. PD Zoning Map Amendment and Preliminary Development Plan](#) including a public hearing and recommendation by Planning Commission.
4. If the PD Zoning Map Amendment and Combined Preliminary and Final Development Plan are approved by the Planning Commission the official Zoning Map shall be updated to identify the subject property as being zoned a “Planned Development” with the appropriate suffix (“-R,” “-MC,” or “-E”).

#### D. Step 3: Final Development Plan

1. Prior to submittal of a Final Development Plan, the applicant is encouraged to meet with the Planning & Zoning Director to discuss the proposed development.
2. The applicant shall submit an application for a Final Development Plan to the Planning & Zoning Director in accordance with the provisions of this article. A Final Development Plan may be filed for any portion, or the entirety of an approved Preliminary Development Plan.

3. The Planning & Zoning Director shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, the Planning & Zoning Director may approve, or deny the Final Development Plan based on the plan's consistency with the approved Preliminary Development Plan and the requirements of the Final Development Plan as established in [Section 9.09. Review Standards for Planned Developments](#).

**E. Step 4: Subdivision Submittal**

It is the intent of this section that subdivision rules and regulations be examined as an integral part of the review of the PD under this section.

1. Subdivision plats shall be submitted in accordance with [Article 14. Subdivision Regulations](#). The Preliminary Plat may be submitted in conjunction with the Final Development Plan or following the approval of the Final Development Plan.
2. The subdivision rules and regulations contained in [Article 14. Subdivision Regulations](#) shall apply to PD districts created under this article, unless specifically exempted as part of the PD approval.

**F. Step 5: Permits**

No zoning permit shall be issued, and no construction shall occur until an approved Final Development Plan has been approved for the Planned Development.

**9.06. WAIVER OF REQUIREMENTS**

The Planning Commission may waive or modify the required conditions of this article or other applicable requirements within these Zoning Regulations that applies to the development.

**9.07. MODIFICATIONS TO APPROVED PLANNED DEVELOPMENTS**

A Planned Development shall be constructed and completed in accordance with the approved Final Development Plan and all supporting data. The Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the Planned Development as set forth herein.

**A. Major Modifications**

Major Modifications to a Planned Development require the approval of the Planning Commission. The Planning & Zoning Director shall have the authority to determine if the proposed change is a major modification. Such changes include, but are not limited to:

1. Expansion of the Planned Development project from the original lot coverage;
2. Proposed changes in the mix or combination of land uses; and
3. Changes in the plan relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of structures, and substantial changes in any approved elements of the Planned Development that may affect adjacent property owners.

**B. Minor Modifications**

Minor Modifications are those proposed by the developer / owner and shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was originally anticipated. Minor modifications require the approval of only the Planning & Zoning Director. Examples include, but are not limited to, the following:

1. Changes in the plan relative to the arrangement and size of accessory structures, the layout of streets and circulation patterns, the size, configuration and location of common open space.

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### 9.08. DEVELOPMENT PLAN EXPIRATION

2. Amendments to the conditions that were attached to the original Final Development Plan approval.
3. Administrative Modifications, as defined in [Section 9.07.C Administrative Modifications](#), in which:
  - a. The Planning & Zoning Director determines that Planning Commission review is necessary in order to determine consistency with the approved Final Development Plan.
  - b. It is alleged by the applicant that there is an error in any requirement, decision, or determination made by the Planning & Zoning Director as part of an Administrative Modification determination.

#### C. Administrative Modifications

1. Administrative Modifications are technical adjustments proposed by the property owner or developer that do not alter the fundamental site layout, density, or architectural character established in the approved Final Development Plan. The Planning & Zoning Director may administratively approve the following minor modifications:
  - a. **Site & Landscape Details**

Minor reorientation or relocation of accessory structures, parking area layouts (provided number of total parking spaces are maintained), landscaping plant species or material substitutions of equivalent mature size and function, and sign locations shifting less than 10 feet.
  - b. **Minor Principal Structure Façade Modifications**

Alterations to approved principal structure elevations, limited strictly to:

    - i. **Material Substitutions:**

Changes in exterior finish materials affecting no more than **15% of any individual building elevation**, provided the replacement material is of equivalent or higher durability and matches the approved architectural style.
    - ii. **Openings and Fenestration:**

Relocation, addition, or size adjustment of doors and windows, provided the total glazed area on any elevation changes by no more than **10%** and alignment with established architectural rhythms is maintained.
    - iii. **Architectural Details:**

Minor alterations to non-structural architectural elements, including awnings, decorative trim, wall-mounted lighting, and utility screening elements, that do not alter the primary building footprint, height, or roofline.

### 9.08. DEVELOPMENT PLAN EXPIRATION

- A. Within one (1) year after the approval of the Preliminary Development Plan, the applicant shall file with the Planning & Zoning Director, a Final Development Plan for the entire development, or when submission in stages was authorized during the Preliminary Development Plan review, for the first phase of the development.
- B. If more than one (1) year passes from the date of approval of the Preliminary Development Plan, and the Final Development Plan has not been submitted for approval, or a request for an extension not to exceed 12 months has been filed with the Planning Commission, the Preliminary Development Plan shall be deemed expired.

- C. Upon expiration of the approved Preliminary Development Plan, the PD zoning designation for the subject property shall automatically revert back to the zoning district classification that applied to the property immediately prior to the adoption of the Planned Development district designation, unless otherwise specified herein. The Planning & Zoning Director shall provide written notice to the applicant and property owner at least 30 days prior to such automatic reversion.
- D. A one (1) year extension of the time limit may be granted by the Planning Commission, provided that such extension is not in conflict with the most recent Comprehensive Plan and that such extension is in the best interest of the entire community. The developer / owner shall apply for an extension and shall state the reason(s) for the extension. The Board of Commissioners shall be notified of all extensions granted. In no case shall a Preliminary Development Plan be valid for more than two (2) years without the submittal of a Final Development Plan.
- E. If an approved Planned Development shall lapse as provided above, notice of such lapse shall be filed by the Planning & Zoning Director and forwarded to the Planning Commission. The Planning Commission may initiative a rezoning to a base zoning district in accordance with [Section 13.06.A. Zoning Map and Text Amendments](#). Otherwise, the subject property shall automatically revert back to the zoning district classification that applied to the property immediately prior to the adoption of the Planned Development district designation.

## 9.09. REVIEW STANDARDS FOR PLANNED DEVELOPMENTS

The Planning Commission, when considering a Preliminary or Final Development Plan and Zoning Map Amendment for a Planned Development district shall make specific findings of fact based upon the particular evidence presented to them, which support conclusions that:

- A. The proposed development is consistent with the Comprehensive Plan, other applicable City and/or County approved plans, and the stated purposes of these Zoning Regulations;
- B. The development can be substantially completed within the period of time specific in the schedule of development submitted by the applicant;
- C. The site will be accessible from public roads that are adequate to support the current and anticipated traffic that will be imposed upon them by the proposed development. The streets and driveways within the development shall be adequate to serve the expected intensity of all phases of the proposed development;
- D. The development will not impose an undue burden on public services and facilities such as fire, police, and public school district capacity;
- E. The Planned Development contains proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonably required for the public health, safety, and welfare;
- F. The location and arrangement of buildings, structures, parking areas, walks, lighting, and accessory facilities is compatible with land uses surrounding the proposed development; and
- G. Unless alternative standards are approved as part of the Planned Development approval process, all PDs shall comply with the applicable development standards within these Zoning Regulations, including, but not limited to, sidewalks, street design, sign regulations, accessory uses and structures, landscaping, lighting, and noise regulations.

## 9.10. GENERAL PLANNED DEVELOPMENT DISTRICT REGULATIONS

### A. Relationship to Base Districts and Overlay District Requirements

Development standards for area, lot coverage, density, yard requirements, parking, landscaping, buffer yards, and screening for a proposed Planned Development shall be established by the Planning

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Commission during the Preliminary Development Plan review and approval (or as part of the Combined Preliminary and Final Development Plan).

**B. Permitted Uses and Structures**

1. A building or land may be used, erected, or altered for any use which is approved as part of a PD plan in accordance with this section. All permitted, conditional, and explicitly prohibited uses must be stated in the Preliminary Development Plan. Any uses not stated shall be deemed prohibited unless the Planning & Zoning Director determines the use to be substantially similar to a permitted use as established by the approved PD.
2. Accessory structures and uses are permitted subject to the approved Preliminary Development Plan.

**C. Minimum Development Area**

There is no minimum development area to qualify as a PD.

**D. Multiple Buildings on a Lot**

More than one (1) building is permitted on a single lot within a PD.

**E. Setbacks**

Peripheral and internal development setbacks shall be defined on the Preliminary Development Plan.

**F. Maximum Height**

The Final Development Plan shall establish the maximum building height for all structures. If adjacent to a residential zoning district or recorded residential subdivision, the building height shall not exceed 35 feet, unless otherwise approved or required by the Planning Commission.

**G. Circulation**

The circulation plan for the project should address vehicular, non-motorized vehicular, and pedestrian circulation. This plan shall be designed to fully accommodate all such transportation types within the development in a safe and efficient manner. Such network shall be integrated into the larger circulation network of the community.

**H. Open Space**

1. Common open space shall be provided in each Planned Development that shall occupy a minimum of 20 percent of the gross acreage of the development. This requirement may be waived or modified when such Planned Development is located within the “-U” community character designation as established in [Section 2.03. Community Character Designations](#) as determined appropriate by the Planning Commission.
2. For the purposes of this Article, common open space is defined as an area of land or water that is designed for either environmental, scenic, recreational, or gathering purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities.
3. Open space shall not include off-street parking areas, private yards, or streets.
4. Any open or common space preserved as part of any PD shall be preserved or used in a manner established within the specific PD and shall be:
  - a. Owned by the city, county, state, school district, park district, or a private trust or conservation group as may be approved by the City or County and all subject to acceptance by the appropriate legislative authority; or
  - b. Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners’ or property owners association; and/or
  - c. Any combination of the above.

5. Further subdivision of the open space or its use other than those uses prescribed in the approved Preliminary Development Plan and Final Development Plan shall be prohibited.
6. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Planning & Zoning Director.
7. Any restrictions on the established open space shall be memorialized on the recorded subdivision plat or deed.

**I. Signage**

Signage shall be regulated per [Section 7.06. Sign Package Plans](#) unless otherwise approved in the Final Development Plan, except where the Planning Commission and Board of Commissioners find that certain conditions warrant additional or more restrictive signage.

**J. Lighting**

Outdoor lighting shall be regulated per [Article 8. Outdoor Lighting](#) unless otherwise approved in the Final Development Plan.

**K. Parking**

Off-street parking and loading areas shall be regulated as set forth under [Article 5. Parking, Loading and Circulation](#) unless otherwise approved in the Preliminary Development Plan.

**L. Homeowners' or Property Owners' Associations**

1. A homeowners' or property owners' association shall be established to permanently maintain all open space and common areas.
2. All recorded homeowners' or property owners' association agreements shall be submitted to the respective planning staff for approval prior to the issuance of any permits. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners' or property owners' association shall be submitted with said agreements. No set of proposed covenants, articles or incorporation, or bylaws of a homeowners' or property owners' association shall permit the abrogation of any duties set forth in this section.
3. All homeowner's or property owners' associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development such homeowner's or property owner's association was created for. In the event of a failure to maintain such open space or common areas, the city and county will treat the failure of maintenance with the enforcement authority granted by the applicable provisions in this development code or the applicable nuisance code.
4. The Planning & Zoning Director may deny permit applications for single-family, multi-family, or non-residential construction, and tenant finish permits in any PD regardless of whether or not the PD was approved previous to the enactment of this code, until such open space amenities are brought into conformance with the requirements of the PD approval.

## 9.11. VIOLATIONS

A violation of a Preliminary or Final Development Plan, as approved, shall constitute a violation of these Zoning Regulations under [Section 13.09. Administration and Enforcement](#).