

5.13. - PR Planned Residential Zone.

5.13.01. *General description.* The regulations established in this zone are intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Residential areas thus established would be characterized by a unified building and site development program, open space for recreation and provision for commercial, religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment.

Each planned unit development shall be compatible with the surrounding or adjacent zones. Such compatibility shall be determined by the planning commission by review of the development plans.

A planned unit development occupying not less than twenty (20) acres may contain commercial uses as hereinafter provided.

5.13.02. *Permitted uses.*

- A. The following dwelling units are permitted:
 - 1. Houses and attached houses, not including mobile homes.
 - 2. Duplexes.
 - 3. Multi-dwelling structures and developments.
- B. Accessory uses, buildings and structures.
- C. Commercial uses in a planned unit development occupying not less than twenty (20) acres only. Commercial uses shall include marinas and boat liveries, provided they meet the requirements of section 4.30, "Standards for marina and boat livery development," of these regulations. One (1) acre of commercial uses may be permitted for each one hundred (100) units in the project provided that twenty-five (25) percent of the total units proposed shall be ready for occupancy prior to any commercial building permit being issued. Such commercial uses shall conform with the use and parking requirements of the Shopping Center Zone as regulated in section 5.34, "Shopping Center Zone (SC)," of these regulations.
- D. Recreation uses. Recreation uses may include a community center, a golf course, a swimming pool, or parks, playground or other public recreational uses. Any structures involved in such uses, including lighted tennis courts, and swimming pools, shall have a 35-foot set back from all periphery boundary lines. The amount of land set aside for usable open space and recreational use shall be not less than fifteen (15) percent of the gross development area for a planned unit development occupying twenty (20) or more acres or ten (10) percent for a planned unit development occupying more than eight (8) but less than twenty (20) acres.
- E. Education uses.
- F. Community facilities uses such as churches and other religious institutions and nonprofit

clubs such as country clubs, swimming and/or tennis clubs.

- G. Other uses, deemed compatible with the proposed development by the planning commission, including home occupations subject to section 4.90, "Home occupations."
- H. Demolition landfills less than one (1) acre in size subject to article 4, "Supplementary regulations", subsection 4.80.01.A, "Demolition landfills" (on site generated waste).
- I. Yard sales and rummage sales.
- J. Day care homes and group day care homes, if the provider lives on site, subject to the following conditions:
 - 1. The total lot area shall not be less than ten thousand (10,000) square feet.
 - 2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.
 - 3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.
 - 4. Off-street parking, as regulated in section 3.50, "Off-street parking." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.
- K. Wireless communications facilities, subject to the provisions of article 4, section 4.92.

5.13.03. *Uses permitted on review.*

- A. Group day care homes, if the provider does not live on site, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of section 4.91, "Requirements for child day care centers and group day care homes, when considered as uses permitted on review."
- B. Assisted living facilities.
- C. Adult day care centers, provided they meet the requirements of section 4.98, "Requirements for adult day care centers, when considered as uses permitted on review."
- D. Rural retreats, subject to standards of section 4.104.
- E. Public Safety Facilities, subject to the standards of section 4.107.

5.13.04. *Area regulations.* All buildings and structures shall be set back from street or road right-of-way lines and from the periphery of the project to comply with the following requirements.

5.13.05. *Front yard.*

- A. Houses, twenty (20) feet.
- B. All other as determined by the planning commission with the setback being increased in proportion to structure height, but not less than fifteen (15) feet from a street or road right-of-way.

5.13.06. *Periphery boundary.* All buildings shall be set back from the periphery boundary not less than thirty-five (35) feet unless adjacent to A, Agricultural, RA, Low Density Residential, RB, General Residential, RAE, Exclusive Residential, PR, Planned Residential, OS, Open Space, E, Estates, or TC, Town Center zone districts, where the planning commission may reduce this set back to not less than fifteen (15) feet.

5.13.07. *Side yard.*

- A. As determined by the planning commission but not greater than fifteen (15) feet unless this setback is also the periphery boundary.
- B. Where side yards are reduced to zero (0) the development site plans and restrictive covenants which provide for the privacy of such units and the right of maintenance of exterior walls facing adjacent properties shall be submitted to MPC.

5.13.08. *Rear yard.*

- A. As determined by the planning commission but the planning commission may not require a setback greater than thirty-five (35) feet.

5.13.09. *Default minimum setbacks.* For situations when there are no building setbacks specified on approved development plans and when not controlled by a periphery boundary setback, the minimum setbacks for main structures will be as follows:

Front: Not less than twenty (20) feet.

Side: Not less than five (5) feet.

Rear: Not less than fifteen (15) feet.

Accessory structures, when not controlled by the periphery boundary setback, shall be subject to the minimum accessory structure setbacks of the RA, Low Density Residential zoning district.

5.13.10. *Lot area and size.*

- A. Developments which subdivide and transfer property with the sale of individual units but which do not provide common open space controlled and maintained by a public body or a duly established homeowners association shall provide lot areas which are not less than three thousand (3,000) square feet in size and which shall average four thousand (4,000) square feet per lot for the entire development.
- B. Developments which subdivide and transfer property with the sale of individual units and

which provide common open space controlled and maintained by a duly established home owners association in accordance with state law shall be permitted to create lots less than three thousand (3,000) square feet in size subject to metropolitan planning commission approval of a site plan, consistent with the intent as stated in the general description of this section.

5.13.11. *Maximum site coverage.*

- A. The maximum area which may be covered by buildings shall be fifty (50) percent of the gross acreage of the site.

5.13.12. *Height regulations.*

- A. Houses and duplexes shall not exceed three (3) stories.
- B. Height of all others shall be as determined by the planning commission.

5.13.13. *Population density.*

- A. The appropriate development density of each project shall be determined by the planning commission but shall not exceed twenty-four (24) dwelling units per acre excluding areas set aside for churches, schools, or commercial uses.

5.13.14. *Off-street parking.* As regulated in section 3.50, "Off-street parking requirements," of these regulations.

5.13.15. *Administrative procedure for a planned residential development.*

- A. The planning commission may recommend establishment of a PR, Planned Residential Zone or an application may be made to the planning commission for rezoning to PR, Planned Residential in accordance with the regulations set forth in section 6.30, "Amendments," of this resolution.
- B. No building permit shall be issued for development of any property within a PR, Planned Residential Zone until a written application for review and approval of the development plan has been filed with the planning commission. This same requirement shall apply to multi-dwelling structures and developments as required under the RB, General Residential Zone, when the density of the development is twelve (12) dwelling units per acre or greater. Said application shall be made in conformity with section 6.50, "Procedure for authorizing uses permitted on review," of these regulations and shall be accompanied by the following information:
 - 1. The application must be accompanied by an overall development plan showing the use or uses, dimensions and locations of proposed streets, parks, playgrounds, school sites, and other open spaces, with such other pertinent information as may be necessary to

determine the contemplated arrangement or use which makes it desirable to apply regulations and requirements different from those ordinarily applicable under these regulations.

2. The proposed development plan shall be prepared by and have the seal of an architect or engineer duly registered to practice in the state.
3. The planning commission shall review the conformity of the proposed development and shall recognize principles of good civic design, land use planning and landscape architecture. The planning commission and county board of commissioners may impose conditions regarding layout, circulation, and performance of the proposed development and may require that appropriate deed restrictions be filed.
4. Applications considered under the planned residential zoning must be filed by the property owner or their designated representative, by an appropriate governmental agency, or the county board of commissioners.

(Ord. No. O-96-3-101, § 1, 4-22-96; Ord. No. O-96-5-102, § 1, 6-21-96; Ord. O-97-10-101B, § 1, 11-17-97; Ord. No. O-96-11-104, § 1, 3-23-98; Ord. No. O-99-9-101, § 1, 10-25-99; Ord. No. O-01-2-103, § 1(Exh. A), 3-26-01; Ord. No. O-05-6-103, § 1(Exh. A), 7-25-05; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-11-2-101, § 1(Exh. B), 3-28-11; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-17-8-101, § 1(Exh. A), 9-25-17; Ord. No. O-17-10-101, § 1(Exh. A), 11-20-17; Ord. No. O-19-5-101, § 1(Exh. A), 6-24-19)