

## ARTICLE IV - DISTRICT REGULATIONS

### CHAPTER 405

#### PRD-1 Planned Residential District

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##### SECTION 405.1 PURPOSE

This district is established to permit planned community design in a unified development and to accommodate innovative land development practices that are in the best interests of the Village of Lakemore. In order to accomplish this purpose, the intent of the planned Residential District regulations are:

- a. To permit a variety of dwelling types including single-family, two-family, townhouses and apartment buildings.
- b. To permit the flexible spacing of lots and buildings in order to encourage:
  1. The separation of pedestrian and vehicular circulation;
  2. The conservation of the natural amenities of the landscape;
  3. The provision of readily accessible recreation areas and green spaces;
  4. The creation of functional and interesting residential areas; and
  5. The provision of a necessary complement of community facilities such as central sanitary sewer and central water systems.

##### SECTION 405.2 PERMITTED USES

In a PRD-1 Planned Residential District, land and structures may be used or occupied only for a principle use specified, or an accessory use to a permitted principle use as regulated herein.

- a. The categories of principle uses permitted in the PRD-1 Planned Residential District are as follows:
  1. Single-family dwelling;
  2. Two-family dwelling;
  3. Townhouse;
  4. Apartment building.
- b. Accessory uses clearly incidental to a permitted principle use are permitted in the PRD-1 Planned Residential District and may include, but are not limited to the following:
  1. Open space which may include, along with natural environmental features, swimming pools, tennis courts and other recreational facilities deemed acceptable by the planning commission. These facilities must be available for use by the residents and their guests of the development in which the facilities are located.

2. Recreational areas including facilities for sale of associated equipment, food and refreshments so long as these associated uses are clearly incidental and accessory to the principle use. The following uses are NOT permitted: horse racing, auto racing, skeet shooting, rifle range, and go-cart and other motorized vehicle activities.
3. All other accessory uses permitted in the R-2 Residential District

#### SECTION 405.3 GENERAL DEVELOPMENT STANDARDS

Each Planned Residential District shall maintain the following overall area and density requirements.

- a. A parcel(s) proposed to be developed in a PRD-1 Planned Residential District shall be a minimum area of fifty (50) acres. All land within the district shall be contiguous and shall not be divided into segments by the following:
  1. Any limited access highway;
  2. Any tract of land (other than streets or right-of-way for pipelines or electric transmission lines) not owned by the developer of the planned development; or
  3. By any railroad right-of-way.
- b. The maximum density of residential development shall be 8 dwelling units per acre.
- c. The maximum building height for a single-family, two-family or townhouse dwelling shall be 35 feet and 40 feet for an apartment building. Accessory structures shall not exceed 15 feet in height, unless otherwise specified.

#### SECTION 405.4 REGULATIONS FOR INDIVIDUALLY SUBDIVIDED LOTS

The minimum area and yard requirements of an individually subdivided lot for the purposes of a single-family or two-family dwelling are specified in the following regulations.

- a. Individually subdivided lots shall maintain the following area and width requirements.
  1. The minimum lot area for a:
    - (a) Single-family dwelling shall be 6,000 square feet. (1273-1999)
    - (b) Two-family dwelling shall be 12,000 square feet.
  2. The minimum lot width at the building line shall be 45 feet.
- b. Individually subdivided lots shall maintain the following front, side and rear yard requirements.
  1. The minimum front yard shall be 30 feet.
  2. The minimum side yard shall be 5 feet for each side yard.
  3. The minimum rear yard shall be 15 feet for rear yards bordering on a designated public open space area; otherwise, a minimum rear yard of 20 feet is required.

SECTION 405.5 REGULATIONS FOR BUILDINGS NOT ON INDIVIDUALLY SUBDIVIDED LOTS

In order to assure that a development preserves the site's natural features and maintains individual privacy, dwellings not on individually subdivided lots shall comply with the following standards.

- a. All dwellings shall maintain a minimum front yard depth from an existing public street right-of-way of 30 feet plus 1 foot for every 2 feet of wall length over 35 feet.
- b. The minimum separation between buildings shall be in accordance with the following regulations.
  1. Adjacent to single-family: Single-family, two-family, townhouse and apartment building dwellings shall be separated from any single-family dwelling by a distance not less than twice the height of the single-family, two-family, townhouse, or apartment structure.
  2. Adjacent to like structures and non-residential structures: Two-family, townhouse and apartment building structures shall be separated from any other like, or non-residential building not structurally joined, by a distance not less than the height of the structure with the minimum separation being 15 feet.
- c. All structures shall be separated from any project boundary a distance not less than twice the height of the structure.

SECTION 405.6 DWELLING UNIT FLOOR AREA REQUIREMENTS

The minimum floor area per dwelling by number of bedrooms, exclusive of an attached garage shall not be less than specified below:

- a. 500 square feet for an efficiency suite;
- b. 600 square feet for a one bedroom dwelling unit;
- c. 800 square feet for a two bedroom dwelling unit;
- d. 1,000 square feet for a three bedroom dwelling unit;
- e. 1,200 square feet plus 150 square feet for each unit with 4 or more bedrooms.

SECTION 405.7 OPEN SPACE REGULATIONS

a. Minimum Percentage of Development Site

1. At least 25 percent of the total acres in a proposed development permitted by this section shall be devoted to public and/or private open space or recreational facilities exclusive of dwellings, streets, parking areas, and individually subdivided residential lots. Such open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the general plan, shall be physically situated so as to be readily accessible, available to, and usable by all the residents of the planned development.
2. Open space and recreational facilities to be included in the 25 percent requirement shall not be individually owned or owned under condominium provisions unless said

condominium provisions include the entire project as shown on the General Plan and shall legally be an integral part of the overall planned development with access assured to all residents.

3. For purposes of complying with the open space requirement and overall dwelling density calculations, permanent bodies of water indicated on the most recently published United States Geographical Survey maps or as indicated by more recent aerial photography and field observation shall be credited as one-half (1/2) acre of open space for each one acre (1) of water surface area. Similarly, areas of organic soils shall be credited with only one-half (1/2) acre for every one (1) acre of land indicated as organic soils on maps available from the Soil Conservation Service, United States Department of Agriculture or as indicated by other competent soils analysis.

b. Restrictions on Use and Location of Open Space

1. No more than fifty (50) percent of the open space and recreational facilities shall be used for any single purpose use such as driving ranges, golf courses, riding stables, tracks, or lakes.
2. Building location and placement should be developed with consideration given to minimizing the removal of trees and change of topography.

c. Maintenance of Common Open Space

In order to secure proper improvement and maintenance of common open space in any proposed planned development, the landowner shall provide for and establish an organization for the ownership and maintenance of all common open space. Such organization shall not be dissolved nor shall it dispose of any open space, by sale or otherwise, without the approval of the Village Council and without first offering to dedicate the same to the Village or other governmental agency designated by the Village. Since said open space was the basis for the permitted increase in dwelling density, the offering of dedication shall be at no acquisition cost to the governmental or public agency accepting the dedication. The organization's bylaws shall include the following:

1. Time when the organization is created;
2. Mandatory nature of membership in the organization by resident, or successor;
3. Permanence of open space safeguards;
4. Liability of organization for insurance, taxes, and maintenance of all facilities;
5. Capacity of the organization to administer common facilities and preserve the benefits of common open space;
6. Majority control of the organization at such time that fifty (50) percent of the dwellings proposed on the General Plan are occupied.

SECTION 405.8 ACCESSORY USE REGULATIONS

Accessory uses, buildings and structures permitted in this district shall conform to the following standards:



a. Walls and Privacy Enclosures

Solid walls, screens and privacy enclosures which are designed as an integral or component part of a dwelling shall conform to front and rear yard requirements and shall not exceed a height of eight (8) feet.

b. Garbage and Refuse Facilities

Garbage and refuse facilities shall be adequately screened. Pickup units shall be located at the rear or side of the buildings, housed in an appropriate structure, and all such units together with all garbage and refuse disposal from dwelling units shall be serviced and picked up and otherwise disposed of by the owner(s) of the building.

c. Off-Street Parking

There shall be provided outside of the public or private right-of-way a minimum of two (2) parking spaces for each dwelling unit. All parking spaces and service drives shall be improved with bituminous, concrete or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.

SECTION 405.9 SUPPLEMENTARY REGULATIONS

a. Street System

1. Private streets shall conform to the Village of Lakemore Subdivision Regulations for minor and/or collector residential streets except that standards for private streets on which fifteen (15) or fewer dwelling units have access may be modified upon approval of the Village Planning Commission and Village Council after obtaining recommendations from the Village Fire Chief.
2. Collector Streets and Major Thoroughfares shall be designated as such by the developer upon submission of general plans as provided hereafter. Such designations shall be in compliance with the Regional, County, and Village development plans of record, and may be subject to modification by the Village Planning Commission and Village Council so that an efficient traffic circulation system is established. There shall be no direct access from a single-family and single-family detached dwellings to a major thoroughfare, and direct access from single-family and single-family detached dwellings to collector thoroughfares shall be minimized. When there are more than thirty (30) dwelling units of any type in a grouping, they shall have primary access to said dwelling units from a public or dedicated street. The construction of all streets shall conform to the Village of Lakemore Subdivision Regulations.

b. Outside Lighting

Outside lighting, where provided, shall be so arranged as not to adversely affect the enjoyment of any adjacent residential building, street, sidewalk or pedestrian walkway.

c. Utilities

1. Central sanitary sewer and water facilities shall be provided at time of development and shall be an approved element of a governmentally owned and operated system.
2. All utility distribution systems shall be installed underground.

d. Erosion and Sedimentation Control

Effective erosion and sediment controls shall be planned and applied according to the following:

1. The smallest practicable area of land should be exposed at any one time during development.
2. When land is exposed during development, the exposure should be kept to the shortest practicable time.
3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
5. Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Wherever feasible, natural vegetation should be retained and protected.

SECTION 405.10 PROCEDURES FOR A PLANNED RESIDENTIAL DISTRICT

a. Amendment to Establish a [PRD-1](#)

Upon the application of the property owner(s), a [PRD-1](#) shall be established according to Section 803.1, AMENDMENTS, provided further that concurrently with the zoning amendment, the Village Council, upon recommendation of the Village Planning Commission, shall adopt a General Development Plan which shall be binding upon the property until amended pursuant to Section 803.1.

b. General Development Plan Approval

1. Application Requirements: An application shall contain the signatures of all owners of property within the project and shall be accompanied by payment of required fee.

All plans shall have been drawn to scale, shall have been prepared by an architect, planner, landscape architect, or engineer, and shall include the following:

(a) General Development Plan

- (1) Project boundary;
- (2) Date and north arrow;
- (3) Total project acres;
- (4) Total number of dwelling units;
- (5) The areas into which such project is to be divided for different uses, the uses proposed for each such area, including the areas to be used for single-family, two-family, townhouse, and apartment building dwelling units, the number of dwelling units by type and size, and number of bedrooms per unit of each class of housing proposed in any given area, the location and size of school, church, and/or fire station sites proposed;
- (6) The area or areas of the project to be preserved as open space;
- (7) The topography of the project using two (2) foot contour intervals and indicated as such in the legend;
- (8) The proposed street system for the project, including designation of collector thoroughfares;
- (9) The location and landscaping of the proposed parking lots within the project.

(b) Supplemental Description Data

- (1) General descriptive data as to the methods to be employed to preserve and maintain open space;
- (2) Descriptive data concerning the sewer, water and storm drainage facilities within the project, identifying the public entity to whom such facilities are to be dedicated or transferred, including said entity's general approval of said facilities. As a minimum, such general approval shall be writing and shall be an agreement as to how said facilities shall be provided and operated;
- (3) A study of the impact that the development will have on the schools, roads, police and fire protection, drainage conditions of the area, area sewer and water systems, and the environmental character of the area. This information will aid the Village in determining such conditions as school site dedication, road dedication, etc.;

- (4) A phasing plan for development. No single development phase may include more than fifty (50) percent of the total acreage and total dwellings of the overall planned development.

2. Upon approval of the General Development Plan by the Village Planning Commission and Village Council, and rezoning of the property, the implementation of the project is then subject to the further qualifications, requirements and provisions set forth below. No substantial change from the approved general development plan shall be made without prior approval by the Village Planning Commission and Village Council.

c. Final Development Plan

For final approval of uses, the owner shall file a final development plan for any specific area or phase within the project with the Village Planning Commission and Village Council, together with an application for such approval.

1. Such final development plan shall show the following:
  - (a) The area to be developed and the area to be devoted to open spaces for the use of all residents of the area with accurate acreage, courses, and distances, as determined by a licensed engineer or surveyor who shall sign such plan and certify to accuracy thereof. The boundaries of any area for which final development plan approval is requested shall not be gerrymandered to comply with the density and open space acreage criteria but shall be proportioned and allotted so that required open space is convenient to the residential properties included in the area submitted for final approval.
  - (b) The location and floor plans of all buildings, descriptive data as to the type of buildings, the number of dwelling units in each separate type and bedrooms per unit of apartment buildings, the of all retail establishments, and the number of bedrooms in each dwelling unit.
  - (c) A title guarantee of rider to an existing policy, prepared by a reputable title company, showing the legal description of the land which has been set aside for open space, and showing appropriate restrictions limiting the use of such land to recreation and open in perpetuity; granting owners and residents of the area to be developed a right and easement of use in such open space.
  - (d) A detailed plan setting forth the manner, means and proposed time of transfer of the land reserved for open space and, if applicable, the private street to a non-profit entity and the obligations and rights of use of such land by all residents of the area.
  - (e) A detailed landscaping plan for all areas proposed for parking, commercial, and dwelling units in the development.
  - (f) If applicable, review of condominium bylaws by Village Legal Counsel.



2. The Village Planning Commission and Village Council shall give the final approval of uses only upon finding that the following conditions are met:
- (a) No applicable, general, or specific requirement of the Village of Lakemore Zoning Ordinances, as existing at the time of general plan approval, is violated by the final development plan.
  - (b) The final development plan accurately set forth the area to be developed and the area to be set aside as open space with appropriate boundaries established by course and distances, and the acreage within the area to be approved is set forth as well as the acreage of the area to be set aside as open space for the use of all residents of the area.
  - (c) The final development plan is substantially in accordance with the general plan which had been previously filed with and approved by the Village Planning Commission and Village Council and for which the rezoning had been approved.
  - (d) The density of dwelling units in any area does not exceed that shown on the general plan. The overall density of the district has not been exceeded with respect to the total figure shown on the general plan.
  - (e) The area reserved for open space and recreation in the sum of all areas for which final development plan approval has been given or is requested shall approximate 25 percent of the cumulative acreage of all areas for which final development plan approval has been given or is requested.
  - (f) The final development plan accurately sets forth a schedule demonstrating proportionate development of the open space and recreational facilities in conjunction with the total project. A performance bond may be allowed to substitute for actual construction. This bond shall be in effect no longer than one (1) year. The amenities included in each phase shall be, in effect, completed prior to the issuance of occupancy permits.
  - (g) A bond of specified amount by Council shall be posted with the Village for the removal of dirt and debris on public roads caused by construction vehicles used in this construction. Removal cost of such by other than the developer at the end of each day will be deducted from this bond.
  - (h) The proposed location and servicing of the buildings meet with the approval of the Village Fire Chief.

d. Amendment to Final Development Plan

A final development plan for any Planned Residential District may be amended or modified by the Planning Commission at any regular or special meeting, but only on publication of a notice of the proposed change, including a brief description of same, in a [local newspaper selected by the Planning Commission or Village Clerk for such purpose](#), and upon written notice being provided by regular mail, [personal delivery](#), [residence delivery](#), or [any other type of delivery](#) to each owner of record of the property adjacent to the [PRD-1](#), at least ten (10) days prior to the meeting at which the amendment is to be considered. (1249 - 1998)

SECTION 405.11 PRD-2 CLUSTER SUBDIVISION (1221-1995)

PURPOSE The purpose of the cluster subdivision is to permit a procedure for development which will:

- (1) Promote imaginative, well-designed subdivisions and ensure that the best possible relationship between development and the land is achieved through diversity and originality in lot layout and individual building design.
- (2) Preserve desirable and proper open space for recreational, scenic and/or public service purposes, and other purposes related thereto, and ensure that the suitability of common open space intended for scenic value and purposes is determined by its visibility from a significant number of units or buildings or length of public or private streets.
- (3) Preserve the physical qualities of the land.
- (4) Ensure that individual lots, buildings, units and parking areas are arranged to relate to surrounding properties, to improve the view from and the view of the buildings, to lessen the land area devoted to motor vehicle access, and to avoid the adverse effects of shadows, noise and traffic on the residents of the cluster subdivision.
- (5) This grouping of single-family dwellings shall be allowed if the difference between the lot area requirements and the areas of the lots created is designated as common open space by covenants to be permanently in effect. Common open space shall be preserved and maintained for its scenic value, for recreation or conservation purposes, or related uses. Common open space shall be made available for the use of all residents of the cluster subdivision unless the Planning Commission finds that the size, location, type of development or maintenance of such common open space would make use of such space undesirable or unnecessary.
- (6) Minimum land area required for a cluster subdivision shall be at least 10 acres.

DENSITY Density and usage shall comply with the given requirements of the Zoning District in which the cluster subdivision is proposed to be located.

MINIMUM LOT AREA The minimum size of a lot of record within a cluster subdivision may be reduced to not less than 3,000 square feet per unit.

LOT WIDTH COVERAGE AND YARD REQUIREMENTS Although modification and variation of lot width, in no case any lot have less than twenty-five feet of frontage on a public or private street for common open space lots which are not required to have any frontage on a public or private street except but must provide for pedestrian easements of access to them. Such modification and variation must be shown on any cluster subdivision plan.



In acting on a proposed cluster subdivision plan, the Planning Commission shall give particular consideration to the following:

- (1) That individual lots, buildings, streets and parking areas will be designed and situated to minimize alteration of the natural site features to be preserved, such as, but not limited to, ravines, stream beds, lakes, significant stands of trees, individual trees of significant size, and rock outcroppings.
- (2) That usability of common open space intended for a recreation or public use will be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- (3) That common open space will include irreplaceable natural features located in the tract, such as but not limited to ravines, stream beds, lakes, significant stands of trees, individual trees of significant size and rock outcropping.
- (4) That common open space intended for a recreation or public use will be easily accessible to pedestrians, which accessibility shall meet the needs of the handicapped and elderly.