

CHAPTER 5: REGULATIONS FOR PLANNED DEVELOPMENT OVERLAY DISTRICTS

5.1 GENERAL STANDARDS AND DEFINITIONS

5.1.1 Purpose

The intent of the Planned Development Overlay District is to promote and facilitate the use of flexible techniques of land development and site design by providing relief from the requirements designed for conventional developments. Ideally, this will result in a development that is better planned regarding protection and conservation of natural features and rural character, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with conventional zoning ordinance and subdivision regulations. Additionally, the Town of Arlington will be able to ensure that the needs of all the citizens of the Town are met regarding provision of a wider range of residential and commercial development than would occur through the conventional zoning mechanism.

The Planned Development Overlay Districts permitted by this chapter will be an overlay to existing zoning districts. Departure from the required density, dimension, area, height, bulk, use and specific content regulations of the underlying zoning districts in this Ordinance and the Subdivision Regulations will be permitted so long as the development results in specific tangible benefits to the neighborhood or community in which it is located and to the Town of Arlington. This section should not be utilized as a device for making increased densities more acceptable without corresponding benefits or as a means of circumventing the Town's development regulations.

5.1.2 Objectives

The Board of Mayor and Aldermen may, upon proper application, grant approval for a Planned Development Overlay District (or Planned Development) which through proper planning and design will ensure the following specific objectives, benefiting the Town, the residents of the development, and the developer:

- 1) exceptional architectural and environmental innovation in design of the development;
- 2) exceptional preservation of rural character, open space, natural vegetation, natural geologic and topographic features, historic buildings and landmarks;
- 3) more efficient use of land resulting in networks of utilities, streets, and other infrastructure features that maximize allocation of fiscal and natural resources;
- 4) alternatives to private automobile travel and to prevent discontinuity on travel movements that would increase the length of trips;
- 5) to allow small businesses serving neighborhoods to provide convenient shopping that is accessible to pedestrians;

- 6) amenities not typically found in other developments such as greenbelts, pedestrian circulation, recreational facilities, etc.; and
- 7) developer benefits including conservation of lot density, lower cost of infrastructure, and increased design flexibility.

5.1.3 Definitions

For the purpose of implementing this chapter, the following definitions shall apply to all aspects of the Planned Development Overlay Districts:

Clustering: An innovative design with a specifically dense grouping of residential dwelling units, allowed in any single-family or other residential zoning district as a special use in order to preserve existing site amenities such as lakes, natural vegetation, rolling terrain, and scenic vistas.

Density: Residential density is defined as the total number of dwelling units divided by the gross residential use acreage (including open space and infrastructure acreage).

Design Plat: The first phase of a proposed development including contour, lines, proposed lot and street layout, including proposed lot sizes and street names. A Master Development Plan shall replace the Design Plat in the submission process.

Development Agreement: A Development Agreement shall represent a legal agreement between the owner or developer of a Planned Development and the Town of Arlington relative to the construction and completion of all aspects of the development or approved portions thereof. A Development Agreement shall be approved by the Board of Mayor and Aldermen prior to any construction on site. Submission of same shall be subject to the submittal fee structure of the Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

Engineering Plans (or Plat): A map of the proposed subdivision including engineering design drawings of streets, drainage and utilities. Submission of same shall be subject to the submittal fee structure of the Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

Final Plan (or Plat): A map or plan of record regardless of land partitioning, showing all land partitioning and meeting the final plat requirements of a subdivision as provided in the Arlington Municipal Subdivision Regulations. Submission of same shall be subject to the submittal fee structure of the Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

General Development Plan: Represents an overall, schematic plan for the construction of a Planned Development and shall identify all phases, if proposed, and shall include all requirements contained in this chapter. The General Development Plan is required at the initial zoning overlay request for all planned developments and shall include a Development Agreement. Submission of same shall be subject to the submittal fee structure of the

Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

Master Concept Plan: Represents a record of the approved development, including the layout, bulk regulations, and other primary aspects of the development, including responsibilities of both the developer and the Town of Arlington. Such Plan shall be submitted to the Town and shall be reviewed for consistency with the Arlington Board of Mayor and Aldermen Development Plan approval. The Master Concept Plan shall provide for and be signed by the owner, secretary of the Planning Commission, the developer, the mortgagor, and the Mayor, and attested to by the Town Recorder at the time of approval. Once signed, the Master Concept Plan shall be recorded with the Office of the Shelby County Register of Deeds.

Master Development Plan: Represents a more detailed plan of construction than the General Development Plan and shall apply to the phase(s) to be initially developed and shall include all requirements set forth in this chapter. The Master Development Plan is the second step in the approval process, following the approval of the General Development Plan and shall include a Development Agreement. Submission of same shall be subject to the submittal fee structure of the Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

Open Space: Any publicly-dedicated or privately-owned area of land or water permanently preserved from development (such as by conservation easement) for urbanized uses which enhances the livability of the community. Such area may be predominantly in a natural condition or improved or modified for uses such as recreation, and must be specialized in function and appropriate in location within the development pattern. Required open space for outdoor recreation shall be planned, located and improved so that it is applicable and usable by residents of the development. This definition encompasses the following types of open space:

- a) Open space for outdoor recreation:
 - i) parks, greens, squares, plazas
 - ii) playgrounds and sports fields
 - iii) pedestrian and bicycle trails and greenways
 - iv) golf courses
 - v) meadows
- b) Open space for natural resource protection:
 - i) buffer areas for the protection of ground and surface water quality and wetlands
 - ii) areas for the protection of habitat, native vegetation, and/or threatened and endangered species (e.g., nature preserves)

- iii) wetlands
- iv) meadows
- c) Open space for aesthetic, cultural and educational purposes:
 - i) visual resources such as scenic viewsheds from public roads
 - ii) buffers at the edge of a PD district (e.g., providing separation between neighborhoods)
 - iii) cultural (historic and archeological) resources
 - iv) arboreta, museums, and zoological or botanical gardens
- d) Open space for managed production of resources:
 - i) farmland
 - ii) woodlands managed for forestry production
 - iii) community gardens
- e) Open space for public health and safety:
 - i) floodplains and conveyance zones
 - ii) steep slopes
 - iii) stormwater quantity/quality management areas
 - iv) jurisdictional wetlands

Owner: A person, partnership, corporation, association or any other legal entity entitled to own property. The current owner of the land proposed for the planned development approval, not including the holder of a written option to purchase. Proof of ownership shall be submitted with any application for a planned development.

Site Plan: A plan for the construction of structures on a lot. Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter 10, Section 10.6, of this Zoning Ordinance shall be met. Submission of same shall be subject to the submittal fee structure of the Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

Start of Construction: Means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) of a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured

home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Tree Preservation Plan: A map of the proposed development illustrating the location of large trees or clusters of trees that will be removed, preserved or conserved and areas in which replanting of trees is required.

5.1.4 Modification of District Regulations

Planned Developments may be constructed upon proper application subject to the standards and procedures set forth below:

- 1) Except as specifically modified by the Board of Mayor and Aldermen, after review and recommendation by the Planning Commission, by approval of the applicable Development Plan, which shall include a Development Agreement and Contract, a Planned Development shall be governed by the regulations of the conventional or zoning district or districts set forth in the Development Agreement. The Planned Development overlay shall be classified either Planned Development - Residential (PD-R), Planned Development Commercial/Industrial (PD-C/1), Planned Development - Mixed (PD-M), or as Planned Development – Traditional Neighborhood Design (PD/TND).
- 2) The Development Agreement, which shall be part of the Master Development Plan approval, and which shall be approved prior to or at the time of the Planned Development Zoning, may provide for such exceptions from the zoning district regulations governing use, area, setback, signage, loading, width and other bulk regulations, parking, other design features and such applicable subdivision regulations to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested in the application for the Planned Development. However, no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:
 - a) inadequate or unsafe access to the Planned Development;
 - b) traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
 - c) an undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Development;
 - d) the construction of facilities not representative of accepted engineering practices or the standards adopted by the Town of

Arlington; and

- e) a development which will be incompatible with the purposes of this Ordinance or the Arlington Subdivision Regulations.
- 3) Such exceptions shall supersede any conflicting Subdivision Regulations and Zoning District Regulations in which the Planned Development is located. Provided, however, no setbacks along the boundary of the Planned Development shall be less than those allowed in the zoning district adjoining the Planned Development.
- 4) The General Development Agreement is subject to subsequent supplemental agreements to address more specific concerns required as the level of detail increases in the review process.

5.1.5 Site and Ownership

The site of the Planned Development must be under single/joint ownership and/or unified control. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PD application for the property or any governmental agency shall be considered landowners for the purpose of this section.

5.1.6 Compatibility

The uses permitted in a Planned Development must be of a type and so located as to exercise no undue detrimental effect upon surrounding properties. In addition, the Planned Development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values in the neighborhood in which it is to be located.

5.1.7 Professional Design

The Arlington Planning Commission shall not consider any development plan for any proposed planned development, nor shall the Arlington Board of Mayor and Aldermen approve any General or Master Plan for a proposed planned development unless such proposed plan includes a certification that the services of one or more design professionals were utilized in the preparation of the Plan in addition to a licensed civil engineer.

Specifically, in addition to a licensed civil engineer, certification shall be provided that the services of one or more of the following professionals was utilized in the design and planning process:

- 1) An urban planner who possesses the education and experience to qualify for membership in a recognized professional planning association;
- 2) A practicing landscape architect licensed by the State of Tennessee;
- 3) A practicing architect licensed by the State of Tennessee.

5.1.8 Density

The gross density of a planned development is represented in dwelling units

per acre. Except as otherwise permitted, the density of a planned development shall not exceed the maximum density provided in Section 5.2.1, 3) of this Ordinance.

- 1) A residential density bonus may be granted at the discretion of the Board of Mayor and Aldermen if it is proven the increase will not create the following conditions:
 - a) Inconvenient or unsafe access to the planned development;
 - b) Traffic congestion in the streets within or adjoining the planned development;
 - c) An excessive burden on parks, recreation areas, schools, police and fire protection, and other public facilities which serve or are proposed to serve the planned development;
 - d) Insufficient public infrastructure to serve the proposed planned development, including, but not limited to, sewer and utilities, streets and traffic signalization, and stormwater management systems.
 - e) Any condition which might pose a threat to the health, safety or welfare of the residents of the planned development or the general public or frustrate the orderly development of the surrounding area.
- 2) An increase in density not to exceed 10% of the base density of the underlying zoning district may be granted for incorporating any combination of the following elements into the planned development:
 - a) A density bonus for public usage of greenway land in a planned development shall be computed on the basis of a maximum of 0.25 dwelling units per acre of common open space or per 2,500 feet of trail that becomes publicly accessible, with a maximum increase of 1.25 units per acre for the development. Usage may be through dedicated public easement or through dedication to the Town of Arlington, at the discretion of the Board of Mayor and Aldermen.
 - b) A residential development may be given a 0.25 du/acre density incentive for tripling the street trees required by Town regulations and enhancing common area landscaping or preserving a portion of the existing tree canopy on the site. Proof of preserved tree canopy must be documented through a tree canopy survey and preservation plan. For a site with less than 25% existing tree canopy 40% of said canopy must be preserved. For a site with 25%-50% existing tree canopy then 30% of the existing tree canopy must be preserved. For a site with greater than 50% existing tree canopy at least 20% of the existing tree canopy must be preserved.
 - c. Density incentives shall not be granted for design elements that are already elements and/or improvements required by the Code or Arlington Design Guidelines.
- 3) Notwithstanding any provision herein, residential planned developments containing less than ten gross acres of land area shall not be eligible for

density increases above the prescribed base density for each residential zoning classification as prescribed in Section 5.2 of this chapter.

5.1.9 Open Space

Open space shall comprise not less than twenty (20%) percent of the gross area. Such space may include land area to be developed as outdoor recreational areas or which is designated for either public parks (not less than five [5] acres) or the common open space of all occupants of the planned development, but shall not include streets or off-street parking areas. The Planning Commission must be provided with satisfactory evidence as a condition for approval, that such open space area will be continued and that perpetual maintenance is provided for by an owners' association, or in the case of a public park, accepted by the Town for maintenance. The Town shall reserve the right to accept or reject any proposed park sites based on the suitability and location of the site.

5.1.10 Relation to Utilities and Public Facilities

Planned Development districts shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations, that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing which result in higher net public cost, or earlier incursion of public cost, than would be required for development in a form generally permitted in the area. Such districts shall be located with respect to schools, parks, playgrounds, and other public facilities as to have access in the same degree as would development in a form generally permitted in the area. The proportional cost of improvements to municipal systems or facilities necessitated by such Planned Development shall be borne by the developer, unless otherwise agreed by the Town of Arlington.

5.1.11 Relation to Transportation Facilities

Planned Developments shall be located and designed to not adversely impact traffic on existing minor streets in residential neighborhoods outside such districts. The transportation network of a Planned Development shall comply with road plans adopted by the Town.

5.1.12 Parking

Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in other sections of this Ordinance and Subdivision Regulation unless changes are warranted by the particular characteristics of the proposed Planned Development. Additional parking space for guests, customers, individuals with disabilities, recreational vehicles, and other common storage and/or parking uses in the Planned Development, shall be required, if warranted.

5.1.13 Traffic

Adequate provision shall be made to provide ingress and egress so designed as to minimize both internal and external traffic hazards and congestion.

5.1.14 Conservation and Preservation of Community Assets

For all types of land uses, due consideration shall be given to providing open space needed to conserve notable features of the natural environment such as trees, watercourses, and prominent scenic terrain. Adequate provision shall be made to protect and preserve historical sites or similar community assets, which add to the attractiveness and value of the property. A conservation and preservation plan will be included in the Development Plan and Development Agreement in accordance with the requirements of the Zoning Ordinance and Subdivision Regulations.

5.1.15 Site Planning

- 1) Prior to the issuance of a building permit all site plan requirements, as set forth in Chapter 10, Section 10.6, of this Zoning Ordinance shall be met.
- 2) Site planning within any planned development shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development. Considerations shall include, but not be limited to, area storm water management plan, hydrological studies, water and wastewater facilities, streets, the abatement of noise and other environmental consideration. (See Chapter 10, Section 10.6, Arlington Zoning Ordinance).
- 3) Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space inside and outside the buildings to intended uses and structural features.
- 4) The Arlington Planning Commission shall approve all site plans after review and recommendation by the Town Engineer and Planning Staff. The Planning Commission may approve, reject, or approve the site plan with conditions.
- 5) All reports and plans shall be submitted to the Town Engineer and Planning Staff for review and recommendation and shall be made a part of the Site Plan.

5.1.16 Signs

Signs permitted in the Planned Development shall be permitted in accordance with the provisions contained in Chapter 7 of this Zoning Ordinance, or as otherwise amended as part of approval of the Planned Development.

5.1.17 Design Standards

The provisions of the Town of Arlington Subdivision Regulations and Land Development Plan and Major Road Plan shall guide infrastructure design standards, unless a waiver is granted by the Planning Commission.

5.1.18 Departure from Standards

The Planned Development may depart from strict conformance with the

requirements of the underlying zoning district regarding dimension, area, height, bulk, use and specific content regulations of this Ordinance to the extent specifically requested in the General Development Plan and/or Master Development Plan and in the documents authorizing the Planned Development, so long as the Planned Development provides tangible benefits to the neighborhood or community in which it is located. Departure from any requirements specified in this Ordinance or other Town Ordinances and regulations is a privilege and shall be granted only upon approval by the Planning Commission and Board of Mayor and Aldermen. In the case of disapproval, the Board of Mayor and Aldermen shall have power to overrule the disapproval.

5.1.19 Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned development may require that specifications for which the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications established in the Subdivision Regulations adopted by the Planning Commission. Modifications shall be specifically approved as conditions of approval on the General Development Plan and shall be made a part of the Development Agreement.

5.1.20 Clustering

In order to preserve existing site amenities such as lakes, natural vegetation, rolling terrain, and scenic vistas, the clustering of residential structures may be allowed in any single-family or other residential zoning district. Innovative design of residential properties is encouraged using this “cluster provision.”

Variations to normal setback, yard, lot, area, and lot width requirements may be granted for a cluster residential development, provided that:

- 1) the maximum density allowed within the zoning district is not exceeded;
- 2) the building type(s) proposed are permitted within the particular underlying zoning district or identified in this Chapter as permitted with a Planned Development overlay. (For example, multiple-family residences are not allowed in a single-family classification);
- 3) the site subject to cluster residence approval contains at least five (5) acres of land area; and
- 4) any portion of the site not occupied by cluster residences is utilized only as open space, recreation space, or for thoroughfares.

5.1.21 Vehicular Movement and Standards

The street design of any planned development should include a clearly integrated street system. Streets, drives, parking and service areas must provide safe and convenient access to dwelling units and common facilities for service and emergency vehicles.

5.1.22 Pedestrian Movement

- 1) Access for pedestrian and cyclists shall be arranged to provide safe,

convenient routes and need not be limited to the vehicular access points. When pedestrian access points do not occur at street intersections, they shall be so marked and controlled. When such ways are exposed to substantial vehicular traffic at the edges of a district, fences or other barriers shall be erected and maintained to prevent crossings except at designated points. Bicycle, and/or bridle paths, if provided, shall be in relation to the pedestrian way system so that street crossings are combined. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units and to all project facilities and off-site destinations likely to attract substantial pedestrian traffic.

- 2) Walkways to be used by substantial numbers of children as play areas or routes to school or other principal destinations shall be so located and safeguarded as to minimize contacts with normal automobile traffic. Street crossings shall be held to a minimum on such walkways, located and designed to promote safety, appropriately marked and otherwise safeguarded. Pedestrian ways appropriately located, designed and constructed may be combined with other easements and used by emergency or other service vehicles but shall not be used by other automobile traffic.

5.1.23 Planning Relationships with Adjoining Development

- 1) The design of any planned development should reflect an effort by the developer to plan land uses within the planned development so as to blend harmoniously with adjacent land uses or shall provide an adequate buffer of design and nature to ensure compatibility.
- 2) Screening at edges of planned developments, fences, walls or vegetative screening shall be provided along the boundaries of planned developments where needed.

5.2 DEVELOPMENT STANDARDS – RESIDENTIAL PLANNED DEVELOPMENT (PD/R)

5.2.1 Residential Planned Development (PD/R)

The intent of a Residential Planned Development is to allow for innovation in land use planning and development, with a goal to achieve a higher quality of development than would otherwise be achieved. A PD/R should support residential design that is sensitive to unique environmental features of a site. It can also support in-fill development on sites that would be difficult to develop according to conventional standards because of shape, size, abutting development, accessibility, or other unique features.

- 1) **Applicability:** The PD/R applies to properties in the R-E-5, E, RS-22, RS-18, RS-15, RS-13, R-MF, and B-3 Zoning Districts where they can meet the objectives, purpose and requirements contained in this chapter.
- 2) **Uses Permitted:** Within the PD/R District, the following uses are permitted subject to review of the Planning Commission and approval of the Board of Mayor and Aldermen:

- a) Any permitted use, accessory use, or conditional use allowed in the underlying residential zoning district(s), subject to limitations requested by the developer or imposed by the Town of Arlington.
- b) In PD/R developments, convenience commercial activities may also be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed ten (10%) percent of the land area of development. Such approved Commercial areas shall conform to the uses permitted of the B-1 Neighborhood Commercial or Office (O) District.

All such commercial areas shall meet the following additional requirements:

- i) The building design shall be compatible with the remainder of the PD-R.
 - ii) No outside storage shall be permitted and trash disposal facilities shall be completely enclosed by walls or materials that complement all other buildings.
 - iii) Off-street parking areas shall be paved, landscaped and located to compliment the residential development.
 - iv) Any loading service area shall be in the rear of the building.
 - v) The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.
- 3) **Area and Yard Requirements:** PD zoning waives the minimum lot sizes or yard requirements of the underlying zoning districts.
- 4) **Density:**
- a) In order to encourage the utilization of planned developments in appropriate circumstances, and more closely align proposed planned developments with the intent and land use classifications of the Town's adopted Land Development Plan, the density guidelines for PD/R developments which overlay the various residential zoning districts in the Town shall be based on a gross density factor whereby the maximum density shall be calculated by dividing 43,560 square feet (one acre) by the minimum lot size of the applicable conventional district. Accordingly, the maximum permitted gross development density for each conventional residential district shall be as follows:
 - i) RE-5: Residential Planned Developments may be permitted as an overlay to R-E-5 zoning districts with a gross density not to exceed 0.20 dwelling units per acre.
 - ii) E: Residential Planned Developments may be permitted as

an overlay to E-Estate zoning districts with a gross density not to exceed 1.0 dwelling unit per acre.

- iii) RS-22: Residential Planned Developments may be permitted as an overlay to RS-22 zoning districts with a gross density not to exceed 1.98 dwelling units per acre.
 - iv) RS-18: Residential Planned Developments may be permitted as an overlay to RS-18 zoning districts with a gross density not to exceed 2.42 dwelling units per acre.
 - v) RS-15: Residential Planned Developments may be permitted as an overlay to RS-15 zoning districts with a gross density not to exceed 2.90 dwelling units per acre.
 - vi) RS-13: Residential Planned Developments may be permitted as an overlay to RS-13 zoning districts with a gross density not to exceed 3.35 dwelling units per acre.
 - vii) R-MF: Residential Planned Developments may be permitted as an overlay to R-MF zoning districts with a gross density not to exceed the following:
 - (1) Single-family detached dwelling – 4.35 dwelling units per acre
 - (2) Single-family attached dwelling – 7.26 dwelling units per acre
 - (3) Townhouse units – 8 dwelling units per acre
 - (4) Two-family dwelling – 5.44 dwelling units per acre
 - (5) Multi-family dwelling – 12 dwelling units per acre
 - viii) B-3: Residential Planned Developments may be permitted as an overlay to B-3 zoning districts in locations consistent with the adopted Depot Square Master Plan, with a gross density not to exceed 5.25 dwelling units per acre.
- b) Residential density bonuses may be granted, as described in Section 5.1.8 of this chapter.
 - c) Construction type and densities, lot dimensions and lot sizes must be shown on the Development Plan which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen.

5.3 DEVELOPMENT STANDARDS –COMMERCIAL/INDUSTRIAL PLANNED DEVELOPMENTS (PD/C-I)

5.3.1 Commercial/Industrial Planned Developments (PD/C-I)

A zoning for a Planned Commercial or Industrial Development (PD/C-I) may be approved by the Board of Mayor and Aldermen for buildings or premises to be used for the retail and wholesale sale of merchandise and services, parking areas, office buildings, hotels and motels and other similar facilities ordinarily accepted as commercial center uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria and the general provisions for planned developments, planned commercial or industrial developments shall comply with the following standards.:

- 1) **Applicability:** The PD/C-I applies to properties in the B-1, B-2, B-3, SC, O, and M-1 Zoning Districts.
- 2) **Uses Permitted:**
 - a) **Residential Use:** Except for hotels, motels, nursing homes, assisted living facilities, retirement communities, and hospitals, no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises.
 - b) **Commercial and Industrial Uses:** The PD/C-I designation shall allow any commercial or industrial use permitted in overlying the commercial and industrial zoning district(s), subject to limitations requested by the developer or required by the Town of Arlington.
- 3) **Screening:** When structures or uses in a planned commercial or industrial development abut a residential district, or permitted residential buildings in the same development, screening shall be required and provided for.
- 4) **Accessibility:** The site shall be accessible from an existing or proposed street network, which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.
- 5) **Landscaping:** Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining buildings.
- 6) **Display of Merchandise:** Unless specifically authorized by Town Ordinance, all business manufacturing and processes shall be conducted and all merchandise and materials shall be displayed and stored within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way; provided however, that when an automobile service station or gasoline sales are permitted in a planned commercial development where gasoline may be sold from pumps outside of a structure.

5.4 DEVELOPMENT STANDARDS – MIXED-USE PLANNED DEVELOPMENTS (PD/M)

5.4.1 Mixed-Use Planned Developments (PD/M)

Planned Developments which do not qualify as a planned residential development and which are not exclusively for commercial or industrial uses may be considered as a mixed-use development and shall be designated Mixed-Use Developments, (PD-M).

The purpose of a Mixed-Use Planned Development (PD/M) is to permit a variety of uses located on the same site and/or within the same building, and to enable these uses to function as a community or neighborhood without the separation typically required by traditional zoning standards. Uses should be integrated in such a manner that they are compatible in form and function.

A PD/M development shall be designed to promote interaction among residents and users through the use of pedestrian walkways, by connecting uses on site through building placement and appearance, through preservation of open space, and the provision of public places or spaces for individuals to gather or rest. The PD/M development is intended to encourage a high-quality built environment which includes distinctive architecture and public gathering spaces, and which reflects innovation in the placement and orientation of buildings and other structures. Non-residential uses must be developed concurrently with residential uses in order to ensure a project with a variety of land uses.

- 1) **Applicability:** The PD/M applies to properties in the B-2, B-3, SC, O, and M-1 Zoning Districts.
- 2) In addition to the applicable standards and criteria and the general provisions for planned developments, Mixed-Use Planned Developments shall comply with the following:
 - a) **Mix of Uses:** Developments shall include at least three (3) different uses, with each use comprising no less than 10% of the overall area of the PD. Appropriate uses include single-family residential, multi-family residential, office, commercial, institutional, recreational, accessory uses, and other principal uses determined by the Town to be similar in character and operation to the permitted uses, and/or complementary and compatible to permitted uses.
 - b) **Residential:** Residential uses shall not constitute more than 50% of the overall PD area. The residential area of a vertical mixed-use site or building shall be determined by calculating the percent of the building proposed for residential use and applying that percentage to the land area of that site or building.
 - c) **Residential Density:** In determining the appropriate overall residential density, the Town shall be guided by the stated intent of mixed-use developments and the impacts of the proposed project on existing development and densities in the area. In no case shall

the overall density exceed six (6) dwelling units per acre. Density shall be computed by multiplying the maximum permitted density by the total acreage of the PD/M property used for residential purposes, excluding land within public or private rights-of-ways and areas permanently inundated by water.

- d) **Utilities:** Public utilities shall be available to serve a PD/M development.
- e) **Size:** A PD/M development shall include an area of at least 10 acres; however, the Town may waive this requirement if the site under consideration is shown to meet the intent and purpose of this section.

5.5 DEVELOPMENT STANDARDS - SENIOR HOUSING PLANNED DEVELOPMENTS (PD/SH)

5.5.1 Purpose: The purpose of the PD/SH is to recognize the need within the Town for dwellings and facilities which are designed to meet the physical and social needs of older persons.

5.5.2 Applicability: The PD/SH applies to properties in the R-E-5, E, RS-22, RS-18, RS-15, RS-13, R-MF, and B-3 Zoning Districts.

5.5.3 In addition to the applicable standards and criteria and the general provisions for planned developments, Senior Housing Planned Developments shall comply with the following:

- 1) **Effect of development and/or use pursuant to SHPD regulations:** Any site developed pursuant to the PD/SH regulations shall not thereafter be used for any purpose other than those permitted uses allowed in this chapter unless the BMA expressly allows specific uses in the Planned Development Master Plan.
- 2) **Eligibility:** Housing which qualifies for inclusion in this overlay is development providing housing specifically designed for the needs of seniors. A minimum of 80% of the occupied dwelling units must be occupied by at least one person 55 years of age, or older, and complies with all standards of the Fair Housing Act, 42 U.S.C., Sections 3601 *et seq* and the rules issued thereunder, as amended from time to time, the Housing for Older Persons Act, and the Tennessee Fair Housing Act, Tenn. Code Ann. § 4-21-602, as amended from time to time.
- 3) **Impact of use:** The impact of the use will be substantially equivalent to those impacts produced by uses otherwise allowed for land within the underlying zoning classification, with consideration given to the type of dwelling units, number of dwelling units, the probable number of residents, and the demand on public facilities and services generated.
- 4) **Compatibility:** The location, size, design, and operating characteristics of the use will be compatible with and will not adversely affect the

livability or appropriate development of abutting properties and the surrounding area, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of municipal services; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impacts of the use.

- 5) **Development Density.** The overall density of single family detached development shall be no greater than six (6) dwelling units per gross acre. Single family attached and townhouse developments shall have a density no greater than eight (8) dwelling units per gross acre, with at least twenty percent (20%) of the land area in common open space.
- 6) **Single-family detached dwelling units.** Single family detached dwelling units may be situated on individual lots or may be part of a detached condominium project. If separate lots are created, each lot shall not be less than 6,000 square feet with a minimum width of 50 feet.
- 7) **Single-family attached dwelling units.** Attached single family dwelling units may be situated on individual lots or may be part of a condominium project. Individual buildings shall include no more than five (5) units. Diversity of rooflines and facades of the individual units is encouraged to provide variety.
- 8) **Setbacks.** Minimum building setbacks shall be as follows, except that the Planning Commission may recommend, and the Board of Mayor and Aldermen require a yard abutting a boundary of the development extend from said boundary a distance not less than the minimum conventional setback for the abutting district:
 - a. Front. Twenty (20) feet on the front. Fifteen (15) feet may be permitted where no vehicular access is provided to the street and parking and garage access is to the rear using private drives (alleys).
 - b. Side. Five (5) feet on each side.
 - c. Rear. Twenty (20) feet on the rear.
- 9) **Fences.** Fences shall be set back at least five feet from an alley.
- 10) **Lot Coverage.** There is no restriction on lot coverage by buildings other than the setback lines.
- 11) **Visitor Parking.** Off-street parking facilities shall be provided at 0.2 spaces per dwelling unit.
- 12) **Garages.** Each dwelling shall have at least a two-car enclosed garage. Where a rear-loaded garage is not set back at least twenty (20) feet from the alley to provide for additional parking, a parking pad also shall be provided alongside each rear-loaded garage. Where access to a garage is from an alley, screening of the driveway pavement from view at the ends of the alley by landscaping is encouraged.

- 13) **Single Family Detached Developments.** There shall be diversity in the style of homes constructed, and identical rooflines and facades adjacent to each other are discouraged. Each house shall include features providing a transition between the front yard and the private interior, such as a porch, which features shall be consistent with the architecture of the house and contribute to variety of appearance of the buildings.
- 14) **Size.** All dwelling units shall have a minimum heated living space of 1,600 square feet.

5.5.4 Seniors use guarantees: Prior to the execution of a development agreement, the applicant shall provide documentation limiting the use of the project to seniors housing exclusively and vesting in the Town the right to enforce such limitation until and unless it determines that any proposed alternate use complies fully with regulations pertaining to the underlying district. All such documentation shall be in a form satisfactory to the Town Attorney.

5.6 PROCESS FOR REVIEW OF PLANNED DEVELOPMENTS

5.6.1 Plan Review Process

Except for the requirement of a development plan and development agreement, the review process will follow the Subdivision Regulation requirements for submittals of engineering, final plats, subdivision contracts, etc., and Chapter 10, Section 10.6, of this Zoning Ordinance for site plan review.

- 1) **Pre-Application Conference:** Prior to filing any application for a planned development, the prospective applicant shall request a Pre-application Conference with the Town Planner, Town Engineer and other department heads to discuss the proposed development. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Development application to the Planning Commission.
- 2) **General Development Plan:** Following a pre-application conference with Town staff, the applicant shall submit a request for a General Development Plan to the Planning Commission with the application for a Planned Development, all required fees and associated documentation.

If the planned development is less than fifty (50) acres, the applicant may exclude this step and begin with the Master Development Plan. If rezoning is required, the rezoning application shall be submitted and reviewed at the same time as the General Development Plan. The General Development Plan shall include as a minimum:

- a) A legal description prepared by and certified by a licensed surveyor or civil engineer in a form acceptable to the Town of Arlington of the total site proposed for development.
- b) A statement of current and proposed ownership and existing and proposed zoning.
- c) A statement of planning objectives to be achieved by the Planned

Development through the design and use mixture approach proposed by the applicant. This statement should include a description of the character of the proposed development;

- d) Quantitative data for the following:
- i) Total acreage of the development and acreages devoted to specific uses. Any proposed phases shall be indicated.
 - ii) Requested uses shall be designated by references to appropriate Arlington Zoning Districts, including permitted use sections, densities, and bulk and area requirements. Deviations from the specific district regulations shall be requested in writing.
 - iii) Approximate densities of development shall be indicated on the application and required plan.
 - iv) Approximate acreage to be maintained as common acres and proposed maintenance plans.
 - v) Appropriate studies, if applicable, (depending on the size and complexity of the development as determined by the Town Planner and Engineer) used in the development of the General Development Plan, such as but not limited to soils analysis, an economic feasibility study, a transportation impact study, an environmental inventory and impact analysis, a housing study, market analysis, and utility and infrastructure requirements.
- e) The General Development Plan shall include one or more graphic presentation maps. The Plan map shall include as a minimum the following:
- i) a property survey prepared and certified by a licensed surveyor or civil engineer in a form or other description acceptable to the Arlington Planning Commission on a scale approved by the Planning Commission;
 - ii) a contour map on two (2')-foot intervals noting water courses, designated floodplains, identified aquifers or wetlands, and areas with slopes in excess of ten (10%) percent;
 - iii) aerial photographs or a surveyed drawing noting major natural features such as forested areas, lakes, streams, and existing uses and transportation features;
 - iv) a Transportation Plan showing all existing and proposed arterial and collector status streets, as well as existing minor residential streets, and design concepts to be utilized such as frontage roads and internal circulation concepts should be submitted in the written documents and illustrations provided;

- v) a drainage analysis and plan;
- vi) location of existing utilities, public facilities, proposed open space, and recreational or natural preservation areas;
- vii) a General Plan for provisions of utilities;
- viii) proposed zoning scheme noting areas for residential, commercial, and industrial uses;
- ix) a Tree Preservation Plan; and
- x) conceptual lot lines and plot designs.

- 3) **Master Development Plan:** Following approval of the General Development Plan, or in the case of a parcel less than fifty (50) acres in size following the pre-application conference, the applicant shall submit a request for a Master Development Plan to the Planning Commission with the application for a Planned Development, all required fees and associated documentation.

If the General Development Plan step is skipped due to the size of the parcel, and rezoning is required, the rezoning application shall be submitted and reviewed at the same time as the Master Development Plan.

The Master Development Plan replaces the Design Plat in the subdivision process. The following information shall be provided for the entire project or for the phase plan requested for approval.

- a) A legal description prepared and certified by a licensed surveyor or civil engineer in a form acceptable to the Town of Arlington of the total site proposed for development, including a statement of current and proposed ownership and existing and proposed zoning.
- b) A development schedule indicating the approximate date when construction of the planned development or stages of the planned development can be expected to begin and be completed. If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 - i) the approximate date when construction of the project can be expected to begin;
 - ii) the order and timing in which the phases of the project will be built and the estimated time of completion of each phase; and
 - iii) the minimum area and the approximate location of common areas and public improvements that will be required at each stage.

- c) A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development, such as land areas, dwelling units, etc.
- d) A statement setting forth in detail the exceptions which are requested from the Arlington Zoning Ordinance and Subdivision Regulations, which are otherwise applicable to the property, to permit the development of the proposed planned development; and
- e) A description of the applicable district, use and bulk regulations under which the planned development is proposed.
- f) A tabulation setting forth:
 - i) maximum total square feet of building floor area proposed for residential, commercial, or industrial uses by general type of use; and
 - ii) maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential, commercial, or industrial uses; minimum public and private open space, streets, and off-street parking and loading areas.
- g) A plan showing the existing site conditions, including contours at two (2')-foot intervals, water courses, designated flood plains, unique natural features and forest cover, areas with slopes in excess of ten (10%) percent.
- h) Plat showing the proposed lot lines and plot designs.
- i) The location and types of dwelling units, density per type, non-residential structures, including commercial or industrial facilities. Such drawings should be sufficient to relay adequacy of the transportation system, utilities and facilities, relative to natural features, but should not be encumbered with final detail at this stage.
- j) The location and size in acres of all areas to be conveyed dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses.
- k) The existing and proposed circulation system of arterial, collector, and minor residential streets, and major points of access to public rights-of-way (including all points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the engineering stage.)
- l) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

- m) Analysis of availability of existing utilities and other infrastructure. Storm water retention areas, ponds, lakes, or water management areas shall be shown. (Detailed drainage plan and calculations shall be handled at the engineering stage.)
- n) A general landscape plan indicating the treatment of materials to be used for private and common open spaces.
- o) Tree preservation plan, showing the locations of trees to be preserved and removed.
- p) Enough information on land areas adjacent to the proposed planned development to indicate relationships between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features of landscape, and future plan designations.
- q) The proposed treatment of the perimeter of the planned development, including materials and techniques used such as screen, fences and walls.
- r) Quantitative data for the following:
 - i) total number and type of dwelling units and parcel size;
 - ii) proposed lot coverage percentages of buildings and structures;
 - iii) approximate gross and net residential densities;
 - iv) total amount of common areas (including a separate figure for usable open space);
 - v) total amount of non-residential construction (including separate figure for commercial or industrial facilities); and
 - vi) economic feasibility studies or market analysis and other studies as required where necessary as determined by the Town Planner.
- s) Sites reserved for Cluster Box Units (CBUs) and Mail Kiosks with associated parking, access, landscaping, and any other accompanying features.
- t) Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed planned development.

The Planning Commission may modify or waive any of the informational requirements contained in this section, items a) through s) above, or require additional information in order to reasonably adopt these requirements to a particular planned development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory

to the Planning Commission prior to final development plan approval, if required.

5.6.2 Master Concept Plan

A Master Concept Plan shall be executed which shall include all aspects of the development including responsibilities of both the developer and the Town of Arlington. Such Plan shall be submitted to the Town and shall be reviewed for consistency with the Arlington Board of Mayor and Aldermen Development Plan approval. The Master Concept Plan shall provide for and be signed by the owner, secretary of the Planning Commission, the developer, the mortgagor, and the Mayor, and attested to by the Town Recorder at the time of approval. Once signed, the Development Agreement shall be recorded with the Office of the Shelby County Register of Deeds.

5.6.3 Engineering Plans

The Engineering Plans for either the entire development or a phase of the development shall be reviewed by the Planning Commission in accordance with the Subdivision Regulations Engineering Plat Review Procedure. Engineering plans and/or plats shall be submitted for the entire development or those areas approved for phases.

5.6.4 Development Agreement

Before construction begins, the developer and owner shall enter into a Development Agreement with and satisfactory to the Town of Arlington Board of Mayor and Aldermen relative to all required improvements. The Development Agreement shall be consistent with the approved Development-Plan(s).

5.7 PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL

5.7.1 Plan Review Criteria

Each request for the Planned Development shall be reviewed in consideration of the following criteria, in addition to any other requirements of Chapter 5 for a Planned Development.

- 1) The proposed development is consistent with the Land Development Plan and with the intent and purpose of the underlying zoning district.
- 2) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the basic zoning district requirements.
- 3) The proposed development can be well integrated with its surroundings in substantial harmony with adjacent and surrounding lands.
- 4) The roads within the proposed development will be adequate to support the anticipated traffic and traffic generated by the development will not adversely impact adjacent roads.
- 5) Adequate provision is made for the preservation of natural resources

such as bodies of water, significant vegetation and special terrain features.

- 6) The proposed water supply, sewerage, utility and drainage facilities are adequate for the population, residential densities and types of development proposed.

5.7.2 Pre-Application Conference

Prior to filing any application for a planned development, the prospective applicant shall request a Pre-application Conference with the Town Planner, Town Engineer and other department heads to discuss the proposed development. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Development application to the Planning Commission.

5.7.3 General Development or Master Development Plan Approval Process and Rezoning

- 1) An application for review shall be submitted to the Planning Commission. The application may be made by the property owner or his or her designated agent and filed, in writing, on forms provided by the Town along with payment of an application fee as prescribed in and shall contain information and exhibits as may be necessary in accordance with Section 5.6.1, 2) and 3) of this chapter. The completed application, information and exhibits shall be submitted in compliance with the then existing deadlines as periodically set by the Town.
- 2) An incomplete application or an application that fails to meet minimum submittal requirements shall be returned to the applicant by the Town and shall include a written statement enumerating the deficiencies in the application.
- 3) Prior to the regular Planning Commission meeting, copies of the proposed plan shall be distributed to affected Town departments for review of areas under their concern. Once the Town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer or agent shall be required to attend the meeting at which the item is to be heard.
- 4) The Planning Commission shall hold a public hearing on the application for the proposed Planning Development and the General Development Plan or Master Development Plan after receiving the application from the Town Planner. At least fifteen (15) days notice of the time and place of such public hearings shall be published in a newspaper of general circulation in the city, and written notice given to the property owners whose property is within five hundred (500') feet of the land proposed for the Planned Development or the property owners of a minimum of twenty-five (25) properties, whichever results in the greatest number of properties. The applicant shall provide a vicinity map showing the property which is the site of the application and all parcels of property required to be notified. Such vicinity maps shall show any and all street, roads or alleys and shall indicate the owner's name and dimensions of

each parcel of property shown. The applicant shall also provide a list of names and addresses of the owners of property shown on the vicinity map.

- 5) The party requesting the Planned Development must place a sign on the subject property at least fifteen (15) days prior to the public hearing. The sign must meet the following specifications:
 - a) **Duration:** The sign shall be placed on the property at least fifteen (15) days of the public hearing.
 - b) **Size:** The sign shall be 4' x 4' in size, single-sided. The maximum height of the sign, including posts, shall be six (6) feet.
 - c) **Location:** One (1) sign shall be placed on each side of the parcel facing a public right-of-way and shall be placed ten (10) feet from the public right-of-way. The sign must be completely visible to the public, not obscured by shrubbery, weeds, buildings or other objects.
 - d) **Content:** The sign shall state, at a minimum, the purpose of the request and the date, time and place of the public hearing. The specific wording shall be approved by the Town Planner prior to installation.
 - e) **Construction:** The sign must be made of weather-durable materials and the letters and numbers must be prepared using templates, stencils or attachable letters. Hand-lettered signs are not acceptable. The sign must be posted on durable wood or metal posts.
 - f) **Maintenance:** The applicant or requesting party is responsible for maintenance of the sign in good order until the sign is required to be removed. The status of the sign shall be checked frequently by the applicant, and immediately replace any sign that has fallen or been destroyed.
 - g) **Colors:** The sign background must be black with white letters and numbers.
- 6) The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to approve, disapprove, or approve the Planned Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.
- 7) If the Planned Development is recommended for approval by the Planning Commission, the application is forwarded to the Board of Mayor and Aldermen for action. If the application is recommended for rejection by the Planning Commission, the application will not be forwarded to the

Board of Mayor and Aldermen unless the applicant appeals the decision of the Planning Commission within seven (7) days of the action by the Planning Commission.

- 8) Any owner as defined under Section 5.1.3, herein or his agent may appeal to the Board of Mayor and Aldermen any recommendation or condition the Planning Commission imposes in the recommendations by filing written notice of appeal at least seven (7) days prior to review by the Board of Mayor and Aldermen. However, the applicant shall submit an appropriate development plan incorporating any and all conditions not appealed, to the Town Recorder within thirty (30) days after the Planning Commission's decision on the requested Planned Development or the application shall be deemed withdrawn. Such changes shall be made prior to submission to the Board of Mayor and Aldermen.
- 9) The Town Recorder shall forward the recommendation of the Planning Commission and any notices of appeal to the Board of Mayor and Aldermen after the submission of the appropriate Development Plan incorporating the required conditions.
- 10) The Board of Mayor and Aldermen shall hold a public hearing on the application for the proposed Planned Development and the General Development Plan or Master Development Plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for the public hearing and shall provide written notice and publication in accordance with Sections 5.7.3.4) and 5.7.3.5) above. The Board of Mayor and Aldermen shall render a decision on any proposal and shall approve, disapprove, or approve the proposed Planned Development Plan subject to conditions, and if appropriate, shall set forth the conditions imposed.
- 11) The approved General Development Plan or Master Development Plan, along with the approved Development Agreement shall bind the applicant, owner and mortgagee or any subsequent ownership interest, if any, and the Town of Arlington with respect to the contents of such plan. All approved plans and development agreements shall be approved through a Resolution signed by the secretary of the Planning and the Mayor, and attested to by the Town Recorder at the time of approval.
- 12) A Development Agreement shall be executed which shall include all aspects of the development including responsibilities of both the developer and the Town of Arlington. Such Development Agreement shall be submitted for approval by the Arlington Board of Mayor and Aldermen.
- 13) The Master Development Plan shall be used in lieu of a Subdivision Design Plat to comply with the provisions of the Subdivision Regulations pertaining to Design Plat.

5.7.4 Reapplication if Denied

If any application for a planned development is denied by the Board of Mayor and

Aldermen, the application for such planned development shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases:

- 1) upon initiation by the Board of Mayor and Aldermen or Planning Commission;
- 2) when the new application, although involving any or a portion of the same property, is for a different zoning overlay or the proposed planned development has been modified materially than that for which the original application was made; and
- 3) when the previous application was denied for the reason that the proposed zoning overlay would not conform to the zoning map and/or Land Development Plan has subsequently been amended in a manner which will allow the proposed zoning overlay.

5.7.5 Engineering/Construction Plans

The Engineering/Construction Plans for either the entire development or a phase of the development shall be reviewed by the Planning Commission in accordance with the Subdivision Regulations Engineering Plat Review Procedure. Engineering Plans and/or Plats shall be submitted for the entire development or those areas approved for phases. A fee shall be paid prior to review as established by the Town of Arlington.

5.7.6 Master Concept Plan Approval Process

- 1) After Master Plan approval, a Master Concept Plan of the entire Planned Development, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant, along with all required fees for staff review. All submissions shall be in accordance with the phasing schedule, if any, as reflected on the approved General Development Plan or Master Development Plan.
- 2) The proposed Master Concept Plan shall include, but not be limited to the following:
 - a) a plan suitable for recording with the Shelby County Register's Office;
 - b) proof referred to on the plan and satisfactory to the Town Attorney as to the provision and maintenance of common areas;
 - c) all certificates, seals and signatures required by the Arlington Subdivision Regulations for the dedication of land and recordation of documents;
 - d) tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and gross floor area for commercial and industrial uses;
 - e) location and type of landscaping;
 - f) location and dimensions of all existing or approved and bonded

transportation, utility and drainage facilities, which shall be presented in the Engineering Plan or Plat;

- g) all other requirements of a Final Plat under the Arlington Subdivision Regulations;
 - h) the conditions of the Planned Development approval; and
 - i) any additional unique features of the project, as determined by the Town Planner.
- 3) Staff shall review the plan for conformity with the approved General Development Plan or Master Development Plan. A-Master Concept Plan, with minor changes from the approved Master Development Plan, may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, any deviation from the approved conditions and/or any modification of the development staging, shall be deemed to be a substantial deviation and require an amendment of the document, or amendment of the Master or General Development Plan by the Board of Mayor and Aldermen prior to acceptance.
- 4) After Master Concept Plan is approved by the Town Planner, the Town Recorder shall record such plan in the Shelby County Register's Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Development Agreement and Subdivision Regulations, and after all required signatures for a recordation have been secured.

5.7.7 Site Plan Review

All site plan reviews required under the provisions of the Zoning Ordinance shall be completed prior to application for approval of any building permit within any Planned Development. If the approved Master Development Plan is detailed enough to meet standard Site Plan requirements, Site Plan review by the Planning Commission can be skipped. Site Plan review by the Design Review Committee will still be required.

5.7.8 Permits

The Building Official may issue building permits for the area of the planned development covered by an approved final subdivision plat or site plan for work in conformity with an approved final site plan and with all other applicable ordinances and regulations. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the Final Plan of any stage of the Planned Development unless the common areas and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party approved by the Town of Arlington.

The Building Official shall issue a certificate of occupancy for any completed building, or structure located in an area covered by the approved Final Plan, if the completed building or structures conforms to the requirements of the approved final development plan and all other applicable regulations and

ordinances.

5.7.9 Post Completion Certificate

Upon completion of a Planned Development in accordance with the approved Final Plan, the Building Official shall issue a certificate certifying its completion.

5.7.10 Procedure for Amendment

A Planned Development and the applicable General Development Plan, and the approved Master Development Plan, may be amended in accordance with the procedure which governed its initial approval as set for in this chapter.

5.7.11 Phasing

The Board of Mayor and Aldermen may elect to permit the planned development to be developed in phases, in which case, the following provisions shall be complied with:

- a) Any phasing of a planned development shall be approved during the General Development Plan or Master Development Plan review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the planned development as proposed and approved.
- b) Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.
- c) The commencement of actual construction of any phase stage of the planned development shall be governed by the provisions of this chapter.

5.7.12 Expiration of a General Development Plan or Master Development Plan

A General Development Plan will expire within one (1) year of approval by the Board of Mayor and Aldermen should the applicant fail to submit an application to the Planning Commission for a Master Development Plan.

A Master Development Plan will expire within one (1) year of approval by the Board of Mayor and Aldermen should the applicant fail to submit an application to the Planning Commission for an engineering plan or site plan.

The owner and applicant who requested the planned development may request the Board of Mayor and Aldermen to grant an extension of an approval in one (1) year increments. Any such approval is at the discretion of the Board. Modifications to the planned development may be required in order to comply with regulations adopted since the original approval of the planned development and/or to address changes to surrounding properties since the planned development was approved. The Board may refer the planned development to the Planning Commission for recommendation on the request for extension.