

City of Fayetteville Item Review Form

2014-0118

Legistar File Number

03/18/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jesse Fulcher

Submitted By

Development Services

Department

Action Required:

ADM 13-4602 Administrative Item (UDC AMENDMENT CHAPTER 161.32 PLANNED ZONING DISTRICT and CHAPTER 166.06 PLANNED ZONING DISTRICT): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 161.32 and 166.06. The proposal is to categorize the zoning and development requirements of a Planned Zoning District application into the appropriate zoning and development chapters of the Unified Development Code.

Does this item have a cost? No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date \$0.00	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

[Signature] 3-3-14

Paul a. Beshen 3-3-2014

Ann Man 3-4-14
[Signature]

ENTERED
3/3/14
[Signature]

ENTERED
Kg 2/28/14

This ordinance was left on the 1st reading at the 3/18/14 City Council Meeting.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

Jeremy Pate, Development Services Director 

From: Jesse Fulcher, Senior Planner

Date: February 28, 2014

Subject: ADM 13-4602 (UDC Amendment: Chapter 161.32 Planned Zoning District and Chapter 166.06 Planned Zoning District)

RECOMMENDATION

The Planning Commission and staff recommend approval of an ordinance to amend the Planned Zoning District (PZD) regulations. The amendments are significant; however, it is staff's opinion that the PZD remains a valuable tool to retain the ability for the Council to see a zoning and development item processed concurrently. The Council makes important legislative decisions related to zoning: building height, setbacks from adjacent properties, permitted and conditional uses, etc. A PZD proposal is a unique custom zoning district, allowing the City Council to review and approve or deny the proposal with neighborhood, staff and applicant input.

BACKGROUND

The City of Fayetteville adopted the Planned Zoning District (PZD) ordinance in November 2002 by Ordinance No. 4434. The PZD ordinance replaced the Planned Unit Development (PUD) process that had been in place for several decades. Planned Zoning Districts and Planned Unit Developments are but two names used to identify master development plan processes, which are employed by municipalities across the nation.

The primary reasons that the PZD ordinance was adopted was to allow customized zoning districts for unique development, to allow concurrent processing of zoning and development plans, and to provide the City Council with an opportunity to make policy decisions related to land use. Under the PUD ordinance, these policy decisions were built into the ordinance and were approved by the Planning Commission. This was very different from a rezoning request where the Planning Commission makes only a recommendation on the zoning amendment and the City Council makes the final legislative zoning decision. The PZD process reestablished the Council's role in master development plan zoning decisions and provided a streamlined review process for the development community.

In 2012, after the approval of a Planned Zoning District, a lawsuit was filed challenging the City's PZD ordinance. In response to this action, the City Attorney requested Planning Staff amend portions of the Unified Development Code to clearly separate the zoning and development standards in the ordinance.

PROPOSAL

Staff's primary goal with these code amendments is to group all of the "zoning" standards in Chapter 161, Zoning Regulations, and all "development" standards in Chapter 166, Development. Currently, terminology associated with "zoning" and "development" crosses into both chapters, creating confusion in the code and in the decision making process. The end result should be a PZD process that includes a pure zoning decision by the City Council and a separate development plan decision by the Planning Commission. This process already exists for similar applications. Large scale developments and preliminary plats only require Planning Commission approval and zoning decisions are made by the City Council after a recommendation by the Planning Commission.

A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

Chapter 166.06 Planned Zoning District is currently over nine pages long. The largest part of this code is dedicated to items found in the PZD application – essentially instructions. This includes instructions to submit copies of the PZD plan, to complete a PZD application and pay the required filing fees listed in Chapter 159. Similar requirements exist for all types of applications (large scale developments, lot splits, etc.), however, this is the only application type with instructions listed in the ordinance. Staff is proposing to eliminate all such items from Chapter 166.

Staff is also recommending that the allowance for private streets within PZD's be removed. Currently all private streets must be constructed to the same standards as public streets, so there is no cost savings to the developer. However, the long term maintenance responsibility is given to a limited number of property owners within the development, most of which don't realize that they are financially responsible for the street. This does not preclude the use of private drives such as those found within multi-family developments.

Staff is proposing to remove all references to covenants, trusts and homeowner associations. These terms and regulations all deal with private agreements between private property owners. The City does not enforce private party agreements.

One final change is to amend the modification requirements and remove PZD revocation. The Unified Development Code already provides regulations for modifications for both development plans and zoning regulations. Modifications to development plans may be minor or major and can be approved by planning staff or the Planning Commission respectively. A development plan that is part of a PZD action should not have different standards. A request to vary the zoning standards should be brought before the Board of Adjustment, which is the requirement for all zoning variances. Significant changes to a PZD zoning code would likely require a new zoning action by the City Council.

Revocation of a PZD is unnecessary in staff's opinion, because the zoning decision by the City Council should not expire. Once a property is rezoned the zoning remains until a zoning amendment is made by the City Council. This is the case for all other zoning amendments. However, the development approval should expire, as provided by Chapter 166.20. Should a development plan proposed as part of a PZD expire, then the applicant would have to resubmit the development plan through the appropriate process and receive a new approval. For a large property, the applicant can process the zoning request for the entire property and only submit a

development application for the first phase of development. Separate development applications would be submitted for each subsequent phase.

Changes to the Unified Development Code are shown in ~~strikeout~~ and **highlight** in the attached document.

DISCUSSION

On February 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-1 with Commission Chesser voting 'no'.

BUDGET IMPACT

None.



Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, City Planning Director
Jesse Fulcher, Senior Planner
Quin Thompson, Planner-Current Planning

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: March 3, 2014

**RE: Amending the Planned Zoning District Unified Development Code
Sections (§ 161.32 & § 166.06)**

I want to thank Jeremy Pate, Andrew Garner, Jesse Fulcher and Quin Thompson for their extensive work to clarify and shorten the Planned Zoning District regulations in the UDC. During the appeal of the Cleveland Street PZD, it became apparent that confusion could arise about what review standard should be used when the City Council passes a Planned Zoning District ordinance. My position was and is that the City Council's approval of a PZD ordinance was a legislative action and thus entitled to great deference by the Courts.

We just prevailed in the appeal of the Wheel Clamp/Booting Regulation ordinance in large part because your legislative decision was properly entitled to great weight and could only be reversed if there was no rational basis to support the ordinance. The City Council obviously had substantial and compelling reasons to regulate wheel clamping activities, and the appeal was denied.

Last year, I proposed a clarification of the proper method and review standards set forth in state statutes, and Representative David Whitaker sponsored and worked successfully to pass this amendment to the state statute in the last legislative session. To ensure your Planned Zoning District decisions take advantage of the amended statutory review standards (Is there any rational basis for your decision?), we need to clearly separate your zoning decision from the development approval (based upon the requirements of the PZD) by the Planning Commission.

The development approval by the Planning Commission (or City Council on appeal) may be appealed to the Circuit Court for a brand new jury trial. However, if the proposed development meets all the development criteria in the UDC (and any applicable PZD or other zoning regulation of the property), the development **must be approved**. {Even the City Council must approve a development proposed that meets UDC requirements whether or not any Alderman likes the proposed development.} Therefore, it is likely I could prevail for the City in a pure development appeal **as a matter of law** (by motion for summary judgment) so that twelve jurors with no development approval experience (and who may not even reside in Fayetteville) would not have to sit as a one-time super Planning Commission or City Council to decide whether a development should be built in Fayetteville.

In order to clarify and simplify the Planned Zoning District's regulations and to strengthen both your zoning decision and the Planning Commission's development approval (contingent on your PZD approval), Planning Staff and I worked hard to revise the two PZD sections that are now proposed to you for extensive amendments. This was a harder and longer task than I anticipated, but I believe what Planning Staff and the Planning Commission are recommending to you is a significant improvement and clarification of Planned Zoning Districts.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 161.32 **PLANNED ZONING DISTRICT** AND § 166.06 **PLANNED ZONING DISTRICT** OF THE UNIFIED DEVELOPMENT CODE TO CLEARLY SEPARATE THE ZONING AND DEVELOPMENT APPROVALS FOR PLANNED ZONING DISTRICTS AND TO SIMPLIFY AND REDUCE CURRENT REGULATIONS

WHEREAS, the Planned Zoning District ordinance was established to allow concurrent processing of zoning and development plans; and

WHEREAS, the City of Fayetteville Planning Commission may grant approval of development applications; and

WHEREAS, the City of Fayetteville City Council may approve and enact zoning amendments; and

WHEREAS, the City of Fayetteville desires to establish clear boundaries in the development and zoning review process of a Planned Zoning District request; and

WHEREAS, the Unified Development Code's regulations should be clarified, simplified and shortened whenever possible and feasible.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 161.32 **Planned Zoning District** in its entirety and enacts a replacement § 161.32 **Planned Zoning District** as shown in Exhibit "A."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 166.06 **Planned Zoning District** in its entirety and enacts a replacement § 166.06 **Planned Zoning District** as shown in Exhibit "B."

Page 2
Ordinance No.

PASSED and **APPROVED** this 18th day of March, 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT 'A'

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

- (A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:
- (1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.
 - (2) *Size.* There shall be no minimum or maximum tract size for a PZD application.
- (B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.
- (1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
 - (2) *Compatibility.* Providing for compatibility with the surrounding land uses.
 - (3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
 - (4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
 - (5) *No negative impact.* Does not have a negative effect upon the future development of the area;
 - (6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- (10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.
- (C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.
- (1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.
 - (2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
 - (3) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
 - (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;

EXHIBIT 'A'

- (c) the urban development goals and other policies of the city's Future Land Use Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (4) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) **Building height.** There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) **Building area.** The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

166.06 Planned Zoning District (PZD)

(A) General Requirements.

- (1) A development application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.
- (2) Development plans submitted with a PZD may include more restrictive development regulations than that which are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.

(B) Modifications to development plan.

- (1) *Minor Modifications.* Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- (2) *Major Modifications.* Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(C) Construction of community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)



PC Meeting of February 24, 2014

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Senior Planner
THRU: Andrew Garner, City Planning Director
DATE: ~~February 19, 2014~~ Updated February 28, 2014

ADM 13-4602 Administrative Item (UDC AMENDMENT CHAPTER 161.32 PLANNED ZONING DISTRICT and CHAPTER 166.06 PLANNED ZONING DISTRICT): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapter 161.32 and 166.06. The proposal is to categorize the zoning and development requirements of a Planned Zoning District application into the appropriate zoning and development chapters of the Unified Development Code.

City Planner: Jesse Fulcher

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- 2) A second goal is to streamline Chapters 161.32 and 166.08. Currently, 161.32 outlines many of the findings for a PZD which is appropriate. However, it also includes categories and standards for residential, commercial, and industrial PZD's. These groups are all based on the primary land use, and ultimately provide only a name for the type of PZD, but little else. The remaining standards are related to compatibility with surrounding properties, which is a finding already under 161.32(B). Staff is proposing to remove all of 161.32(C), (D), and (E).

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Changes to the Unified Development Code are shown in ~~strikeout~~ and **highlight** in the attached document.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 13-4602** to the City Council with a recommendation for approval.

Planning Commission Action: **Forwarded** **Denied** **Tabled**

Motion: Hoskins

Second: Autry

Vote: 6-0-1 (Chesser voted 'no')

Meeting Date: February 24, 2014

AMENDMENTS
CLEAN

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands

and in the renewal of existing deteriorating areas.

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(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

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(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

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TITLE XV UNIFIED DEVELOPMENT CODE

166.06 Planned Zoning District (PZD)

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AMENDMENTS

~~MARK-UP~~

CHAPTER 161: ZONING REGULATIONS

161.32 Planned Zoning District

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(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. ~~combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.~~ The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

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(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, ~~Development~~ 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and zoning development standards and a specific master plan.

(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(D) ~~R-PZD, Residential Planned Zoning District.~~

~~(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:~~

~~(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.~~

~~(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.~~

~~(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.~~

~~(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.~~

~~(e) To encourage the efficient use of those public facilities required in connection with new residential development.~~

~~(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~

~~(3) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.~~

~~(4) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.~~

~~(E) *C-PZD, Commercial Planned Zoning District*~~

~~(1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:~~

~~(a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.~~

~~(b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.~~

~~(c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.~~

~~(d) To encourage commercial development which is consistent with the city's General Plan.~~

~~(e) To accommodate larger scale suburban developments of mixed uses in a harmonious relationship.~~

~~(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~

~~(3) *Conditions:*~~

~~(a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.~~

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- (b) ~~Residential uses must be appropriate to the design of the project.~~
- (c) ~~Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.~~
- (4) ~~Conditional Uses.~~ All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.
- (F) ~~I-PZD Industrial Planned Zoning District.~~
- (1) ~~Purpose and intent.~~ The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezone. The legislative purpose, intent and application of this district include, but are not limited to, the following:
- (a) ~~To provide for manufacturing activities in a manner compatible with the surrounding area.~~
- (b) ~~To encourage the application of sound planning and design principles in the orderly development of industrial activities.~~
- (c) ~~To maximize manufacturing potential without adversely affecting the living environment of the community.~~
- (d) ~~To encourage industrial development that is consistent with the city's General Plan.~~
- (2) ~~All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.~~
- (3) ~~Conditions.~~
- (a) ~~In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.~~
- (b) ~~Ancillary commercial and office uses shall be compatible with the design and scale of the project.~~
- (c) ~~Residential uses must be appropriate to the scope and character of the development.~~
- (4) ~~Conditional Uses.~~ All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.
- (F) ~~Bulk and area regulations.~~
- (2) ~~Residential density.~~ Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
- (b) the densities allowed under the current zoning;
- (c) the urban development goals and other policies of the city's General Plan **Future Land Use Plan**;
- (d) the topography and character of the natural environment; and
- (e) the impact of a given density on the specific site and adjacent properties.
- (2) ~~Lot area and yard requirements.~~ Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.
- (3) **Building setback.** There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (3) ~~Building height.~~ There shall be no maximum building height except as may be determined by the Planning Commission and City

Council during the review of the preliminary development zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or **City Council** when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

- (4) *Building area.* The Planning Commission and **City Council** shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05; Ord. 5312, 4-20-10)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

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CHAPTER 166: DEVELOPMENT**166.06 Planned Zoning District (PZD)**

~~(A) Applicability. To be considered for a planned zoning district, the applicant shall meet all of the following criteria:~~

~~(1) Location. Any property located within the city limits is eligible for a planned zoning district. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.~~

~~(2) Ownership. Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved PZD master development plan shall be binding on all subsequent owners of the land until revised or modified.~~

~~(3) Size. There shall be no minimum or maximum tract size for a PZD application.~~

~~(B) Application. The initial application for a PZD shall include the following items:~~

~~(1) Application. Complete application form to request a PZD.~~

~~(2) Copies. Copies of a PZD master development plan in accordance with the submission requirements on the project application form.~~

~~(3) Fee. Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDC. If a subdivision or large scale development is proposed, a fee for that application shall also be paid.~~

~~(C) Review and approval procedures.~~

~~(1) Pre-application meeting. Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the PZD process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring~~

~~substantial expense in the preparation of plans, surveys and other data required in a PZD master development plan.~~

~~(2) Zoning and Land Use Approval Only. For PZD Master Development Plans that are processed without a request for development approval, the Planning Commission shall hold a public hearing and make recommendations to the City Council on the proposed request.~~

~~(3) Zoning, Land Use and Development Approval. PZD Master Development Plans that are processed with a preliminary plat or large scale development shall follow the procedures for large scale development and preliminary plat approval through the Planning Commission when processed concurrently as set forth in Chapter 166 of the UDC.~~

~~(4) City Council. If the PZD master development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed and approved by the Planning Commission prior to City Council review. The City Council may direct the Planning Commission to reconsider specific aspects of the plan. If the master development plan is approved, an ordinance shall be prepared which incorporates the plan, statement of commitments, development and architectural standards, and conditions.~~

~~(5) Development and Subdivision Approval. Regardless of size, Preliminary Plat and/or Large Scale development approval is required for all PZD Master Development Plans.~~

~~(6) Appeals. Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDC.~~

~~(7) Repeals. The owner of an approved planned zoning district may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the city clerk at any time up to three (3) years after the date of adoption of the ordinance~~

~~creating the planned zoning district. The request shall be addressed to the Mayor and City Council, setting forth the cause for repeal.~~

~~The request shall be set for a public hearing at the earliest possible time to expedite the required action. The owner of the subject planned zoning district zoned land shall provide notice of hearing to adjacent property owners. Notice to others as required by law shall be provided by city staff and signs shall be posted.~~

(D) General Requirements.

(1) ~~Application of a Planned Zoning District is permitted only in accordance with a master development plan prepared and approved in accordance with the provisions herein. A development Large Scale Development and/or Preliminary Plat approval application may be concurrently processed with a rezoning application through the PZD process and may be conditionally approved, subject to City Council approval of the Planned Zoning District zoning standards.~~

(2) ~~Planned Zoning Districts may be controlled by one or more owners and shall be developed under unified control or by a unified master development plan. The owners, successors, heirs, or assigns shall be bound by the approved master development plan, including any modifications or amendments thereto as approved by the Zoning and Development Administrator or City Council.~~

(3) ~~Master Development plans submitted with a PZD may include more restrictive development regulations than that which is are included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.~~

(E) ~~Approval or Rejection Criteria for Planned Zoning Districts~~

~~The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:~~

(1) ~~Whether the application is in compliance with the requirements of the UDC and the Comprehensive Land Use Plan;~~

(2) ~~Whether the application is in compliance with all applicable statutory provisions;~~

~~(3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;~~

~~(4) Whether the proposed rezoning is compatible with the surrounding land uses;~~

~~(5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;~~

~~(6) Whether the intended land use would create traffic congestion or burden the existing road network;~~

~~(7) Whether the planned development provides for unified development control under a unified plan.~~

~~(8) Whether any other recognized zoning consideration would be violated in this PZD.~~

(F) ~~Master Development Plan Summary and Required Information~~

~~Master Development Plan (MDP) is a useful tool for both developers and planners to reach consensus and agreement about the way an area is developed, where a variety of uses and impacts may be proposed on one property. They differ from engineered site plans in that they address the bigger picture, rather than the minutia of a detailed engineered site plan. A MDP should depict the larger planning issues such as basic densities, open space, access, internal circulation, availability and location of existing water and sewer, existing topography, drainage, and the general location of uses, while giving the developer some leeway to address grading, utility construction, street construction, building placement, driveways, and number and location of parking spaces further along at the development review or building permit stage.~~

~~The following information shall be submitted by the applicant in written narrative form:~~

~~(1) The name and address of:~~

- ~~(a) landowner/applicant~~
- ~~(b) representative, if applicable~~

~~(2) General project concept:~~

- ~~(a) Street and Lot Layout~~
- ~~(b) Site Plan Showing Proposed Improvements~~
- ~~(c) Buffer Areas~~
- ~~(d) Tree Preservation Areas~~
- ~~(e) Storm Water Detention Areas and Drainage~~
- ~~(f) Undisturbed Natural Areas~~

- ~~(g) Existing and Proposed Utility Connections and Extensions~~
- ~~(h) Development and Architectural Design Standards~~
- ~~(i) Building Elevations~~

~~(3) Proposed development phasing and time frame~~

~~(4) Proposed Planning Areas, described and depicted (Planning Areas (PA) are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council.)~~

~~(5) Relationship to the existing and adjacent land uses~~

~~(6) Impacts on City services~~

~~(7) A traffic study when required by the Planning/Engineering Divisions.~~

~~(8) An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.~~

~~(9) Compliance with the Fayetteville Comprehensive Land Use Plan~~

~~(10) A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.~~

~~(11) Proposed Zoning and Development Standards~~

~~(12) A chart comparing the proposed master development plan to the current zoning district requirements.~~

~~(13) Any other required information as applicable when other applications are processed in conjunction with the PZD master development plan application (i.e. preliminary plat, large scale development).~~

~~(G) Master Development Plan Level of Detail~~

~~(1) Sheet 1~~

~~(a) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.~~

~~(b) The following wording shall be placed verbatim on the sheet:~~

GENERAL PROVISIONS

Authority

~~This PZD master development plan is authorized by Sections 161 and 166 Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.~~

Adoption

~~The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville Comprehensive Land Use Plan; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.~~

~~The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.~~

Enforcement

~~To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.~~

Conflict

~~Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements~~

shall govern unless determined otherwise by the Zoning and Development Administrator.

be provided on a separate sheet, if lengthy.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

(3) ~~Sheet 3 Master Development Plan.~~
 (The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:

(a) ~~A block in the lower right hand corner, or along the right hand margin, which includes the following:~~

~~North Arrow
 Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner Date of Preparation~~

(b) ~~Vicinity map that depict the relationship to the surrounding area within a 1 mile radius.~~

~~The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.~~

(c) ~~Dimensions, bearings, and control points along all exterior property lines.~~

(d) ~~Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.~~

(e) ~~Access
 (1) Arterials and collectors shall be depicted in all planning areas.
 (2) Trails as coordinated with the Parks Division~~

(f) ~~Existing easements/right-of-way~~

(g) ~~100 year floodplains, floodway, and stream/creek centerline~~

(h) ~~Proposed Land/ROW/Easement Dedication~~

(i) ~~Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park~~

(2) ~~Sheet 2 Zoning and Development Standards by Planning Area~~

(a) ~~The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category, e.g., single family:~~

- (1) ~~Permitted uses by Use Unit~~
- (2) ~~Conditional uses by Use Unit~~
- (3) ~~Land Use Density and/or Intensity~~
- (4) ~~Bulk and area regulations~~
- (5) ~~Lot width minimum~~
- (6) ~~Lot area minimum~~
- (7) ~~Land area per dwelling~~
- (8) ~~Setback requirements~~
- (9) ~~Height~~
- (10) ~~Building area~~
- (11) ~~Landscaping~~
- (12) ~~Parking~~
- (13) ~~Site Planning~~
- (14) ~~Architectural Design Standards~~
- (15) ~~Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan~~
- (16) ~~Complete legal description. The staff planner may allow this to~~

~~dedication shall be determined at the time of platting/development.~~

		sq. ft.			
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~~(j) Planning Areas — Areas Identified for a Specified Permitted and/or Conditional Uses~~

~~All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.~~

~~For each planning area shown on the development plan or within a separate table, indicate the following, as applicable:~~

- ~~(i) Acreage~~
- ~~(ii) Number of dwelling units~~
- ~~(iii) Land use designation~~
- ~~(iv) Residential density~~
- ~~(v) Nonresidential square footage~~

~~NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.~~

~~(4) Land Use Table~~

~~A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example:~~

SYMBOL	LAND-USE	DENSITY	UNITS	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multifamily	9	765	35.0	23%
DP	Dedicated Parks			42.5	28%
Subtotal		8.38	885	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
O	Office				
M.U	Mixed-Use				34%
Subtotal		784,080			

~~(H) Statement of Commitments.~~

~~The statement of commitments shall be provided in the following format:~~

~~"STATEMENT OF COMMITMENTS"~~

~~The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:~~

- ~~(1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.~~
- ~~(2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.~~
- ~~(3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain~~
- ~~(4) Project phasing restrictions~~
- ~~(5) Fire protection~~
- ~~(6) Other commitments imposed by the City~~
- ~~(7) Parks/Trails/Open Space Commitments~~
- ~~(8) Proposed Preliminary Building Elevations (Residential and Commercial)~~

~~(I) Amendments to the PZD Master Development Plan.~~

~~The Zoning and Development Administrator shall determine whether an amendment request shall be considered a minor modification or a PZD City Council rezoning based on the criteria established herein. The applicant may appeal the Zoning and Development Administrator's decision to deny an administrative modification within 10 working days of said decision to the City Council, in writing.~~

~~(1) Minor Modification — Criteria~~

~~An amendment request may be considered as an administrative minor modification if it meets the following criteria:~~

~~(a) Building Setbacks An increase or decrease of the required building setback when such modification is no more than a 20% change to the originally approved setback.~~

~~(b) Minimum Lot Size An increase or decrease of the minimum lot size when such modification is no more than a 20% change to the originally approved minimum lot size.~~

~~(c) Building Height An increase or decrease of the building height when such modification is no more than a 20% change to the originally approved maximum building height.~~

~~(d) Increased Number of Dwelling Units An increase of the number of dwelling units in a planning area of 20% or less. Such increase shall be accompanied by a corresponding decrease in dwelling units in another planning area located within the same approved PZD Master Development Plan.~~

~~(e) Decreased Number of Dwelling Units A decrease of the number of dwelling units in a planning area up to 20%. Such decrease shall result in a net loss of dwelling units unless these units are concurrently approved as an increase of units in another planning area.~~

~~(f) Commercial/Non-residential Development Intensity An increase or decrease of the square footage of development intensity when such modification is no more than a 20% change to the originally approved development intensity.~~

~~(g) Text Changes Insubstantial changes to the text, as determined by the Zoning and Development Administrator, to add clarity, when such changes do not change the commitments.~~

~~(h) Street Alignment The Zoning and Development Administrator upon review by the City Engineer shall determine whether an insignificant shift in the alignment of a street shall be considered as a minor modification.~~

~~(2) City Council Approval. Rezoning through the PZD process is required to modify any aspect of the PZD which is not allowed~~

~~under the Minor Modification process. A planning area within a Master Development Plan may be amended separately from the remainder of the approved master development plan with City Council approval.~~

(I) Modifications to development plan.

(1) Minor Modifications. Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.

(2) Major Modifications. Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

~~(J) Phasing. Phasing of a PZD master development plan may vary from the requirements of Chapter 166 of the UDC with regard to the expiration of permits and plans only when phasing has been identified, described, and approved as part of the PZD master development plan process.~~

~~(K) Development standards, conditions and review guidelines~~

~~(1) Generally. The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To those ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.~~

~~(2) Screening and landscaping. In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the~~

~~Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.~~

~~(3) Traffic circulation. The following traffic circulation guidelines shall apply:~~

~~(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.~~

~~(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.~~

~~(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.~~

~~(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.~~

~~(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.~~

~~(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.~~

~~(4) Parking standards. The off-street parking and loading standards found in Chapter 172 Parking and Loading shall be used as general guidelines to establish parking and loading standards for the PZD master development plan.~~

~~(5) Perimeter treatment. Notwithstanding any other provisions of a planned zoning district,~~

~~all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.~~

~~(6) Sidewalks. As required by §166.03.~~

~~(7) Street Lights. As required by §166.03.~~

~~(8) Water. As required by §166.03.~~

~~(9) Sewer. As required by §166.03.~~

~~(10) Streets and Drainage. Streets within a PZD may be either public or private.~~

~~(a) Public Streets. Public streets shall be constructed according to the adopted standards of the City unless otherwise approved by the City Council as part PZD master development plan.~~

~~(b) Private Streets. Private streets within a residential PZD shall be permitted subject to the following conditions:~~

~~(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.~~

~~(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.~~

~~(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.~~

~~(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.~~

~~(v) The plat of the planned development shall designate each private street as a "private street."~~

~~(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA)~~

and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

— Paving Width

Dwelling Units	One-Way	Two-Way
1-20	14'	22'
21+	14'	24'

(No On-Street Parking)

*Note: If on-street parking is desired, a minimum 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating

the street a "private street" which shall be clearly visible to motor vehicular traffic.

(11) Construction of nonresidential facilities community amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development. Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall guarantee to the City completion of the nonresidential facilities in the amount no less than 150% of the estimated cost of said facilities.

(12) Tree preservation. All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

(13) Commercial design standards. All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

(14) View protection. The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of these views through protective covenant restrictions.

(L) Revocation.

(1) Causes for revocation as enforcement action. The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) Building permit. If no building permit has been issued within the time allowed.

(b) Phased development schedule. If the applicant does not adhere to the phased

~~master development plan schedule as stated in the approved development plan.~~

- (e) ~~Open space and recreational facilities. If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.~~

~~Planning staff may report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.~~

- (2) ~~Procedures. Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.~~

- (3) ~~Effect. In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.~~

- (M) ~~Covenants, trusts and homeowner associations.~~

- (1) ~~Legal entities. The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, detention ponds, drainage structures, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally owned facilities may be approved by the City Attorney. The Planning Commission shall consider and approve the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.~~

- (2) ~~Common areas. If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:~~

- (a) ~~The homeowner's association must be legally established before building permits are granted.~~

- (b) ~~Membership and fees must be mandatory for each home buyer and successive buyer.~~

- (c) ~~The open space restrictions must be permanent, rather than for a period of years.~~

- (d) ~~The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.~~

- (e) ~~Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association~~

~~must be stipulated as a potential lien on
the property.~~

~~The association must be able to adjust the
assessment to meet changing needs.~~

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-
06; Ord. 5104, 1-15-08)

CURRENT PZD APPLICATION

Zoning and Development Approval

CITY OF FAYETTEVILLE, ARKANSAS
PLANNED ZONING DISTRICT
Zoning and Development Approval

FOR STAFF USE ONLY		FEE: \$525 - \$1,125
Date Application Submitted: _____	_____	SIGN FEE: \$5.00 per sign
Date Accepted as Complete: _____	_____	S-T-R: _____
Case / Appeal Number: _____	_____	PP#: _____
Public Hearing Date: _____	_____	Zone: _____

Background:

The Planned Zoning District/Large Scale Development/Preliminary Plat (PZD/LSD/PPL) application provides master plan and engineering level of detail with standard processing through Planning Commission prior to City Council decision on zoning. Planning Commission provides recommendation on development plan and rezoning simultaneously, with the City Council providing ultimate decision on zoning.

Instruction:

Please fill out this form completely, supplying all necessary information and documentation to support your request. **It is highly recommended the applicant conduct a meeting with nearby neighborhoods to discuss the proposed development prior to application submittal. Your application will not be placed on the applicable agenda until necessary information is furnished.**

Application:

Indicate one contact person for this request: _____ Applicant _____ Representative

Applicant (person making request):

Name- _____

Address - _____

E-mail: _____
Phone - _____
() _____
() _____
Fax -- () _____

Representative (engineer, surveyor, realtor, etc.):

Name- _____

Address - _____

E-mail: _____
Phone - _____
() _____
() _____
Fax -() _____

Zoning, Land Use, and Development Approval

Current Zoning District: _____

Requested Zoning District: Residential PZD Commercial PZD Industrial PZD

Total Acreage: _____

Number of Dwelling Units (Density): _____ units _____ units/acre
Total non-residential square feet (Intensity): _____ square feet _____ square feet/acre
 _____ % Residential Floor Area
 _____ % Commercial Floor Area
 _____ % Industrial Floor Area Industrial

Assessor's Parcel Number(s) for subject property: _____

Date of Pre-application meeting with City staff: _____

FINANCIAL INTERESTS: The following entities and / or people have financial interest in this project: Name(s)(printed): _____

APPLICANT / REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval.

Name (printed): _____ Date: _____

Signature: _____

PROPERTY OWNER(S) / AUTHORIZED AGENT: I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. (*If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.*)

Owners (attach additional info if necessary):

Name (printed): _____ Name (printed): _____

Signature: _____ Signature: _____

Date: _____ Date: _____

Address: _____ Address: _____

Zoning and Development Approval

PZD Zoning and Development Checklist:

Attach the following items to this application:

- (1) Payment in full of applicable fees for processing the application:

PZD

Non-residential \$1,125.00

Residential 10 units/lots or less \$525.00

25 units/lots or less \$725.00

More than 25 units/lots \$1,125.00

Public Notification Sign Fee (per sign) \$5.00

Grading & Drainage

Up to 0.5 acre: \$75.00

0.5 acre to 1.0 acre: \$100.00

Over 1 acre: \$200.00

Tree Preservation: \$120.00

- (2) A copy of the county parcel map from the Washington County Assessor's office or from the Washington County website (www.co.washington.ar.us). The subject property and all adjacent parcels within 100 feet of the project boundary should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every parcel within 100 feet of the project boundary shall be shown on this map. (See the notification requirements section of this application.)
- (3) One (1) hard copy and one (1) digital copy in PDF format of the proposed PZD plats, booklets, signed application, and any other items submitted with this project. These plats and booklets should include all required information for a PZD listed in Section 166.02 of the Fayetteville Unified Development Code. These requirements are also listed on the PZD Plat and Booklet Requirements checklist pages in this application.
- (4) A disk with all information in AutoCAD and PDF format must be submitted with your application.
- (5) A legal description of the property to be re-zoned should be signed by the owner/representative, and the legal description provided to the Planning Division in MS Word on a CD.
- (6) Application signed by current property owner of record or written verification signed by such owner designating a project representative.
- (7) The applicant is responsible for meeting the public notification requirements for a PZD listed on the Notification Requirements pages in this application.

Zoning and Development Approval

BOOKLET INFORMATION

A project booklet describing the project in narrative/bullet form is required, in addition to the submittal of plats. Much of the same information is to be included in duplicate in both formats. Please contact a staff planner if you have questions.

- 1. A **project booklet** describing this request addressing the following items:
 - a. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.
 - b. Summary description of the scope, nature and intent of the proposal.
 - c. General project concept:
 - (1) Street and Lot Layout.
 - (2) Site Plan Showing Proposed Improvements.
 - (3) Buffer Areas.
 - (4) Tree Preservation Areas.
 - (5) Storm Water Detention Areas and Drainage.
 - (6) Undisturbed Natural Areas.
 - (7) Existing and Proposed Utility Connections and Extensions.
 - (8) Development and Architectural Design Standards.
 - (9) Building Elevations.
 - d. Proposed development phasing and time frame.
 - e. Proposed Planning Areas (PA's), described in this booklet and depicted on Sheet 2 of the site plan information (PA's are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council).
 - f. Proposed Zoning and Development Standards for each PA (listed in the City's UDC zoning format). *See sheet 2 layout for specific information.*
 - g. A chart comparing the proposed master development plan to the current zoning district requirements (uses, setbacks, density, intensity, bulk and area regulations, etc.)An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.
 - h. A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
 - i. Reason (need) for requesting the zoning change.
 - j. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, and signage.
 - k. Statement of the project's compliance with the Fayetteville City Plan 2025.
 - l. A traffic study when required by the Planning/Engineering Divisions (consult with staff prior to submittal).
 - m. Impacts on City services, including the availability of water and sewer (state size of lines). This information is available from the City Engineering Division.
 - n. Statement of Commitments - The statement of commitments shall be provided in the following format:

“STATEMENT OF COMMITMENTS”

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.

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- (2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.
 - (3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain.
 - (4) Project phasing restrictions.
 - (5) Fire protection.
 - (6) Other commitments imposed by the City.
 - (7) Parks/Trails/Open Space Commitments.
 - (8) Proposed Preliminary Building Elevations (Residential and Commercial).
- o. Conceptual Description of Development Standards, Conditions and Review Guidelines
- (1) Screening and Landscaping.
 - (2) Traffic and Circulation.
 - (3) Parking Standards.
 - (4) Perimeter Treatment.
 - (5) Sidewalks.
 - (6) Streetlights.
 - (7) Water.
 - (8) Sewer.
 - (9) Streets and Drainage.
 - (10) Construction of Nonresidential Facilities.
 - (11) Tree Preservation.
 - (12) Architectural Design Standards.
 - (13) Proposed Signage (type and size)
 - (14) View Protection.
 - (15) Revocations.
 - (16) Covenants, Trusts, and Homeowner Associations.
- p. Response as to how the proposal fulfills the intent/purpose of the Planned Zoning District, as outlined in the attached ordinance.

PLAT INFORMATION

- 2. A **concept/master plan** of the proposed PZD is required containing sheets detailed as follows:
- a. **Sheet 1 – Cover Sheet/General Provisions**
 - (1) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.
 - (2) Any pertinent information regarding applicant/owner, site plat, etc. may be provided on this sheet.
 - (3) Complete survey/legal description of the property to be rezoned with two points being state plane coordinates. The staff planner may allow this to be provided on a separate sheet, if lengthy. See legal description requirements section of this application.
 - (4) The following wording shall be placed verbatim on Sheet 1:

GENERAL PROVISIONS

Authority

This PZD master development plan is authorized by Sections 161 and 166 Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.

Adoption

The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville

Zoning and Development Approval

City Plan 2025; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.

The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.

Enforcement

To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.

Conflict

Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Zoning and Development Administrator.

Maximum Level of Development

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

b. Sheet 2 – Zoning and Development Standards by Planning Area

- (1) A conceptual drawing depicting the project site and proposed development with the PA's delineated and called-out.
- (2) The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category:

Land use designation (name of Planning Area)

- (a) Permitted uses by Use Unit.
- (b) Conditional uses by Use Unit.
- (c) Residential Density and/or Non residential Intensity.
 - Acreage
 - Number of dwelling units
 - Nonresidential square feet
 - Density/Intensity (DU/Acre and/or SF/Acre)

Bulk and area regulations.

- (d) Lot width minimum.
- (e) Lot area minimum.
- (f) Land area per dwelling.
- (g) Setback requirements.

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- (h) Height regulations.
- (i) Building area.

Site Planning.

- (j) Landscaping.
- (k) Parking.
- (l) Architectural Design Standards.
- (m) Signage.

NOTE: Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan. This information shall be provided, in duplicate, within the project booklet.

NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.

c. **Sheet 3 – Master Development Plan**

- (1) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.
- (2) Sheet 3 shall graphically depict the site and include the following:
 - (a) A block in the lower right hand corner, or along the right hand margin, which includes the following:
 - 1. North Arrow.
 - 2. Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner.
 - 3. Date of Preparation.
 - (b) Vicinity map that depict the relationship to the surrounding area within a 1 mile radius.
 - 1. The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.
 - (c) Dimensions, bearings, and control points along all exterior property lines.
 - (d) Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
 - (e) Access:
 - 1. Arterials and collectors shall be depicted in all planning areas.
 - 2. Trails as coordinated with the Parks Division.
 - (f) Existing easements/right-of-way.
 - (g) 100-year floodplains, floodway, and stream/creek centerline.
 - (h) Proposed Land/ROW/Easement Dedication.
 - (i) Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting/development.
 - (j) Planning Areas – Areas Identified for a Specified Permitted and/or Conditional Uses:
 - 1. All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.
 - (k) Land Use Table. A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example (next page):

Zoning and Development Approval

SYMBOL	LAND USE	DENSITY/INTENSITY	UNITS/SF	ACRES	%
SF	Single Family	3	120	40.0	26%
MF	Multifamily	22	765	35.0	23%
DP	Dedicated Parks	-	-	42.5	28%
Subtotal		12.5	885	117.5	77%
C	Commercial	22,651	566,280 sq. ft.	25.0	17%
I	Industrial	24,200	217,800 sq. ft.	9.0	6%
O	Office				
M.U	Mixed Use				34%
Subtotal		23,426	784,080 sq. ft.	34	

3. **Detailed civil site plans for the Large Scale Development and/or Preliminary Plat.** These engineered plans should be collated and attached after the PZD plats and titled as Large Scale Development or Preliminary Plat. These plans shall contain the information in accordance with the Plat Requirements checklist in Section 166.03 of the Unified Development Code for a Large Scale Development or Preliminary Plat including the following:

General

- a. Names, addresses, telephone numbers, of owner(s), developer(s) and project representative.
- b. North arrow, scale (graphic and written), date of preparation, zoning classification, and proposed use.
- c. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date, and revisions.
- d. Provide a complete and accurate legend.
- e. A vicinity map of the project with a radius of 1.5 miles from the project. This map shall include any Master Street Plan streets as well as the 100-year flood plain boundary.
- f. Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and center lines should be shown and dimensioned.
- g. The location of all existing structures. Show the location of proposed buildings, square feet and height. Dimension buildings from the roof overhang and setbacks to property lines.
- h. Site coverage note indicating the percentage of site that is covered by both buildings and surfaced area.
- i. Legal description.

Floodplain/Floodway/Wetlands

- j. Show 100-yr floodplain and / or floodway and base flood elevations. Reference the FIRM panel number and effective date.
- k. Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.

Topographic Information

- l. Existing and proposed topographic information with source of the information noted.
 Show:
 1. Two-foot contour interval for ground slope between level and ten percent.
 2. Five-foot contour interval for ground slope exceeding ten percent.
- m. Spot elevations at grade breaks along existing road centerlines, gutter lines and top of curbs or edge of pavement.

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- n. Contours of adjacent land within 100 feet of the project shall also be shown. Contour information may be available at the City in a digital format. Check with the drafting department for availability and associated cost.

Tree Preservation Plans

- o. A Site Analysis drawing and Analysis report is required of all developments that have existing trees present. If no existing trees are present, a Tree Preservation Fee Waiver Form shall be submitted with the plans.
 - 1. A site analysis drawing must clearly show the locations and types of all existing natural features on the site including features 100' beyond the property lines that may be affected by the design. A complete list of the information required to be shown on the Site Analysis may be found in the City of Fayetteville Landscape Manual available free of charge from the Tree and Landscape Department.
 - (a) The analysis report is a written description of design decisions and how they affect the preservation of existing natural resources on the site
- p. The Tree Preservation Plan, which should be incorporated with the Grading plan and be titled Grading/Tree Preservation Plan, is a depiction of the existing tree coverage of the site and the areas established for preservation. All existing trees must be shown on the plan. Groupings of trees may be indicated by the edge of the overall canopy although trees within the grouping that meet the definition of significant must be individually located and the spread of their canopy indicated on the drawing. The species, canopy spread, trunk diameter and average health of the tree must be shown in a chart on the plan. Tree preservation measures must also be shown on the drawing along with mitigation information if mitigation is approved by the Landscape Administrator. A complete list of the information required to be shown on the Tree Preservation Plan may be found in the City of Fayetteville Landscape Manual.

Landscape Plans

- q. Landscape plan requirements for the Off Street Parking Ordinance, the Overlay District, and Commercial Design Standards are to be approved by the Planning Commission with a recommendation by the Landscape Administrator. The conceptual design may be reviewed by the Planning Commission however a detailed plan must be approved by the Landscape Administrator prior to the issuance of the building permit. The conceptual plan shall show the general layout of the plant material and shall include proposed plant species (common names are acceptable) and size. Existing and proposed utility lines shall be shown on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds (it is recommended that shrubs be within defined planting beds for ease of maintenance) The detailed plan shall also include approved planting details and notes and particulars for irrigation.
- r. Landscape proposals for parking lots and/or tree replacement requirements shall include proposed plant species (common names are acceptable) and size. Existing and proposed utility lines shall be shown on the plan. State the method for irrigating the plant material on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds (it is recommended that shrubs be within defined planting beds for ease of maintenance).

Utilities – Existing

- s. Show on the drawing all known on-site and off-site existing utilities and easements (dimensioned) and provide the structures locations, types, and condition and note them as "existing" on the plat.
- t. Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.

Utilities - Proposed

- u. Show all storm sewer structures, sanitary sewer structures and drainage structures:
- v. Show all Sanitary sewer systems

Zoning and Development Approval

- w. Note the occurrence of any previous overflow problems on-site or in the proximity of the site. (Also, contact the Water / Sewer Superintendent, at 575-8386).
- x. Water systems, on or near the site.
- y. Provide pipe locations, types, and sizes.
- z. Note the static pressure and flow of the nearest hydrant
- aa. Show location of proposed fire hydrants and meters.
- bb. Underground or surface utility transmission lines:
(Note: This category includes, but is not limited to Telephone, Electrical, Natural Gas, and TV Cable)
- cc. Locations of all related structures (pedestals, poles, etc.)
- dd. Locations of all lines (note whether the line is below or above ground)
- ee. A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change in grade for the proposed street.
- ff. State the width, location, and purpose of all proposed easements or rights of way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.

Streets, Rights-of-way, and Easements

- gg. The location, widths, grades, and names of all existing and proposed streets (avoid using first names of people for new streets), alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Private streets shall be clearly indicated and named. Names of streets should be approved by the 911 Coordinator.
- hh. A layout of adjoining property (within 300') in sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements. This information can be obtained from the Master Street Plan, Aerial Photos, and the City Plat Pages located in the Planning Office if requested.
- ii. The location of all existing and proposed street lights. Street lights are required at every intersection, cul-de-sac and every 300', and associated easements required to serve each light.

Site Specific Information

- jj. Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.
- kk. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.
- ll. The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased)
- mm. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.).
- nn. The boundaries, acreage, and the use of existing and proposed public areas in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.
- oo. For large scale residential development, indicate the use and list in a table the number of units and bedrooms.
- pp. For non-residential use, indicate the gross floor area, and if for multiple uses, the floor area devoted to each type of use.
- qq. The location and size of existing and proposed signs, if any.
- rr. Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.
- ss. The location and number of bike racks provided and required.
- tt. Location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided, and handicapped accessible parking spaces.

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- uu. Location of buffer strips, fences or screen walls, where required (check Unified Development Ordinance for specific requirements).
- vv. Indicate location and type of garbage service. Dimension turnaround area at dumpster location.
- ww. A description of commonly held areas, if applicable.
- xx. Draft of covenants, conditions, and restrictions, if any.
- yy. A written description of requested waivers from any city requirement.
- zz. Show required building setbacks for large scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.
- aaa. Preliminary grading and drainage plans and reports as required in the City Engineer's Office.

NOTIFICATION REQUIREMENTS

- 4. The developer is required to meet the notifications requirements for a PZD. The requirements are attached to this application.

LEGAL DESCRIPTION REQUIREMENTS

- 5. Written legal descriptions including area in square feet or acres that read clockwise. This shall be provided on the plat. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)
- 6. Boundary survey of the property shown on the plat. The surveyor shall seal, sign, and date the survey. The survey shall be tied to state plane coordinates.
- 7. Provide a benchmark, clearly defined with an accuracy of 1/100'. This benchmark must be tied to USC & GS Datum. Benchmarks include but are not limited to the following: fire hydrant, man hole, etc.
- 8. Each plat shall have 2 points described in State Plane Coordinates, Arkansas, North, North American Datum, 1983 (NAD 83).
- 9. Point-of-beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.
- 10. Curve data for any street which forms a project boundary.

OTHER REQUIREMENTS

- 11. Any other data or reports as deemed necessary for project review by the Zoning & Development Administrator or City Engineer.

The Zoning & Development Administrator and City Engineer may waive any of these application requirements when, in their discretion, any such requirement is not necessary due to the nature of the proposed project, or other circumstances justify such waiver. A pre-application conference is required to review the proposed project and discuss the checklist requirements.

(Note: As this request goes through the review process, revised copies of the project plat, and elevations, if applicable, will be required)

Notice:

Resources including current zoning regulations, City Plan 2025, Future Land Use Plan, Master Street Plan and Zoning maps are available for review in the Planning Office.

