

ARTICLE 800 PLANNED UNIT DEVELOPMENTS

(Ord. No. 2005-52, 02-08-05)

SEC. 800.1 PRE-APPLICATION CONFERENCE AND PLAN

- A. Applicant.** The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owner(s).
- B. Pre-application Conference.** Each prospective applicant shall confer with the City Staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered:
- (a) The boundaries of the property;
 - (b) Existing easements and covenants affecting the property;
 - (c) Physical characteristics such as drainage, topography, vegetation and existing structures;
 - (d) Development characteristics such as surrounding land uses, existing streets and availability of utilities; and
 - (e) Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

Upon review of the site plan and general area, and following completion of the pre-application conference, the City Staff shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the Planned Unit Development Application.

SEC. 800.2 APPLICATION FOR PLANNED UNIT DEVELOPMENT APPROVAL

After receiving written comments following the Pre-Application Conference, the applicant may proceed in preparing a formal application for a Planned Unit Development to the Bentonville Planning Commission. The application shall consist of a

simultaneous submission of a rezoning request and master site plan. The master site plan shall conform to all requirements contained in the Bentonville Subdivision Regulations with the exception of certain design requirements regarding lot, setbacks, etc. that are specifically exempted or modified by provisions of these regulations and the Zoning Ordinance.

- A. Application.** Completed and signed application form.
- B. Fee.** Payment of the filing fee as specified in the application packet.
- C. Deed.** Copy of land deed showing ownership of property.
- D. Plan.** The number of copies of the master site plan as indicated in the application packet and including the information required as set forth in Art. 900 Plat and Plan Requirements.
- E. Written Description.** The applicant shall provide a written description of the proposed planned unit development to include:
1. Justification of compliance with the intent of the PUD District;
 2. Description of proposed land uses and percentage of land area devoted to each.
 3. Description of proposed zoning and development standards.
 4. Description of structural design.
 5. Description of compliance with PUD development criteria; and
 6. If phasing is proposed, a schedule of construction.

SEC. 800.3 NOTIFICATION

For all PUD's, a public hearing shall be held coincidental with review of the preliminary PUD plan by the Planning Commission. Notification for said public hearing shall follow the same requirements and procedures for zoning amendment hearings as set forth in Chapter 14 Zoning Code, 301.8 Zoning Ordinance Amendments.

SEC. 800.4 REVIEW AND APPROVAL

A. Rezoning and Master Site Plan. The PUD Master Site Plan shall be submitted and reviewed by the Planning Commission following the same procedures as a rezoning. A public hearing shall be held at the time of review by the Planning Commission.

B. Preliminary Plat / Large Scale Development. Once the property is rezoned to a PUD, the applicant may proceed with a preliminary plat or large scale development. These shall be submitted and reviewed by the Planning Commission following the same procedures and requirements outlined in Art. 400 Preliminary Plats or Art. 700 Large Scale Developments. Development shall follow the master site plan exactly.

SEC. 800.5 REVIEW CRITERIA

The Planning Commission shall investigate and ascertain that the plans for a Planned Unit Development meet the following conditions:

- A.** That the project is in conformity with the requirements and standards of development of the Planned Unit Development District as set forth in the Zoning Ordinance and is consistent with the intent and purpose of these regulations.
- B.** That the proposed project constitutes an environment of sustained desirability and stability, and that it is in harmony with the character of the surrounding neighborhood.
- C.** That the property adjacent to the proposed development will not be adversely affected.

SEC. 800.6 PHASING AND DEVELOPMENT SCHEDULE

- A. Phasing permitted.** The applicant is permitted to construct the Planned Unit Development in more than one phase or stage of construction.
- B. Additional information required.** The following items shall be included in the PUD application for review:

1. Phasing boundaries. The applicant shall clearly indicate on the PUD plan the boundaries of each proposed phase.

2. Schedule of construction. The applicant shall submit a schedule of construction for the project for each phase within the project indicating the sequence of development according to residential type and other nonresidential construction within the project. It shall include proposed dates and scope of work to be accomplished in each phase.

C. Open space development. Open space and/or recreational facilities should be developed or committed thereto in proportion to land area of the phase to the total land area. *(For example: For a 50 acre PUD, the required open space is 10 acres. The first phase consists of 15 acres, which is 30% of the PUD. Therefore, at least 3 acres of phase one must be devoted to open space.)*

D. Enforcement. Upon adoption of the schedule of construction, the Community Development Director shall be responsible for enforcing this schedule. If the Community Development Director determines that the rate of construction of residential units or nonresidential structures differs from the construction schedule, he/she shall so notify the developer in writing. Thereafter, the Community Development Director may issue such orders to a developer as necessary to correct said schedule, and upon continued violation of this subsection may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved.

SEC. 800.7 AMENDMENTS TO MASTER SITE PLAN

At the time a preliminary plat/large scale development is submitted for review, it shall be determined whether or not any amendments have been made to the approved master site plan. If amendments have been made, then a determination shall be required as to whether or not said amendments constitute a major or minor plan change. Modifications from the previously approved master site plan shall be deemed by the staff to be minor plan changes if any and all modifications by the applicant of the plan do not:

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- 1. Vary the total number of dwelling units by more than five percent (5%);
- 2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such area or areas;
- 3. Increase by more than five percent (5%) the total floor area proposed for any nonresidential use; and
- 4. Does not substantially change the location of any nonresidential areas as shown on the preliminary plan.

Additionally, modifications in the location or design of minor streets, cul-de-sacs, alleys, or facilities for water and for disposal of storm water and sanitary sewage shall not be considered as major modifications.

All other changes in the Planned Unit, including changes in the master site plan and development schedule, must be made under the procedures that are applicable to the initial approval of a Planned Unit Development Project.

SEC. 800.8 GUARANTEE OF COMPLETION

Before approval of the final development plan, the Planning Commission shall require a contract with safeguards satisfactory to the Commission guaranteeing completion of the development plan for any single phase in a period to be specified by the Commission, but which period shall not exceed five (5) years unless extended by the Commission. Any guarantee shall be made as set forth in Art. 1700 Guarantees.

SEC. 800.9 CAUSES FOR REVOCATION

The Planning Commission may recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

- A. **No Final Development Plan Submitted.** If the applicant has not submitted a final development plan to the City within one (1) year of master site plan approval. Where an optional staged development plan is utilized, the affected portion of the approved master site plan may be revoked in its entirety or to the extent of that portion on which a preliminary plat /large scale

development has not been submitted and approved.

- B. **No Building Permit Issued.** If no building permit has been issued within two (2) years from the recording date of the final plat/large scale development, or initial plan of a staged final development plan/plat and the applicant has not been granted an extension.

- C. **Development Schedule.** If the applicant does not adhere to the phased development schedule as stated in the approved preliminary development plan.

- D. **Open Spaces and Recreational Facilities.** If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plat/ large scale development are proceeding at a substantially slower rate than other project components.

- E. **Monitoring.** From time to time, the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other 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 development plan/plats if preceding phases have not been finalized. The City may also issue a stop work order or discontinue issuance of building permits, or revoke those previously issued. If the project is revoked, it would revert to previously determined zoning district.

SEC. 800.10 APPLICATION FOR BUILDING PERMIT

The proposed development shall follow all applicable procedures, standards, regulations, and laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development or part thereof is approved and recorded and an approved plot plan has been submitted in accordance with this article.