CHAPTER 5: REGULATIONS FOR PLANNED DEVELOPMENT OVERLAY DISTRICTS

5.1 GENERAL STANDARDS AND DEFINITIONS

5.1.1 Purpose

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

The Planned Development Overlay Districts permitted by this chapter will be an overlay to existing zoning districts. Departure from the required density, dimension, area, height, bulk, use and specific content regulations of the underlying zoning districts in this Ordinance and the Subdivision Regulations will be permitted so long as the development results in specific tangible benefits to the neighborhood or community in which it is located and to the Town of Arlington.

5.1.2 Objectives

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

1) exceptional architectural and environmental innovation in design of the development;

2) exceptional preservation of rural character, open space, natural vegetation, natural geologic and topographic features, historic buildings and landmarks;

3) more efficient use of land resulting in networks of utilities, streets, and other infrastructure features that maximize allocation of fiscal and natural resources;

4) alternatives to private automobile travel and to prevent discontinuity on travel movements that would increase the length of trips;
5) to allow small businesses serving neighborhoods to provide convenient shopping that is accessible to pedestrians;

6) amenities not typically found in other developments such as greenbelts, pedestrian circulation, recreational facilities, etc.; and

7) developer benefits including conservation of lot density, lower cost of infrastructure, and increased design flexibility.

5.1.3 Definitions

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

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

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

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

**Development Agreement:** A Development Agreement shall represent a binding agreement between the owner and the Town of Arlington and shall include all conditions of approval of the General Development Plan and/or the Master Development Plan. The Development Agreement shall be part of any approved Master Development Plan and may be supplemented by subsequent agreements or contracts as the level of detail in the review process increases. Submission of same shall be subject to the submittal fee structure of the Town of Arlington in effect at the time of submission. The developer shall be responsible for all reasonable fees and expenses in relation to same.

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

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

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

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

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

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

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

c) Open space for aesthetic, cultural and educational purposes:
   i) visual resources such as scenic viewsheds from public roads
   ii) buffers at the edge of a PD district (e.g., providing separation between neighborhoods)
   iii) cultural (historic and archeological) resources
   iv) arboreta, museums, and zoological or botanical gardens

d) Open space for managed production of resources:
   i) farmland
   ii) woodlands managed for forestry production
   iii) community gardens

e) Open space for public health and safety:
   i) floodplains and conveyance zones
   ii) steep slopes
   iii) stormwater quantity/quality management areas
   iv) jurisdictional wetlands

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

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

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

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

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

### 5.1.4 Modification of District Regulations

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

1) Except as specifically modified by the Board of Mayor and Aldermen, after review and recommendation by the Planning Commission, by approval of the applicable Development Plan, which shall include a Development Agreement and Contract, a Planned Development shall be governed by the regulations of the conventional or zoning district or districts set forth in the Development Agreement. The Planned Development overlay shall be classified either Planned Development - Residential (PD-R), Planned Development Commercial/Industrial (PD-C/1), Planned Development - Mixed (PD-M), or as Planned Development – Traditional Neighborhood Design (PD/TND).

2) The Development Agreement, which shall be part of the Master Development Plan approval, and which shall be approved prior to or at the time of the Planned Development Zoning, may provide for such exceptions from the zoning district regulations governing use, area, setback, signage, loading, width and other bulk regulations, parking, other design features and such applicable subdivision regulations to achieve the objectives of the proposed Planned Development, provided such exceptions are consistent with the standards and criteria contained in this chapter and have been specifically requested in the application for the
Planned Development. However, no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:

a) inadequate or unsafe access to the Planned Development;

b) traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;

c) an undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Development;

d) the construction of facilities not representative of accepted engineering practices or the standards adopted by the Town of Arlington; and

e) a development which will be incompatible with the purposes of this Ordinance or the Arlington Subdivision Regulations.

3) Such exceptions shall supersede any conflicting Subdivision Regulations and Zoning District Regulations in which the Planned Development is located. Provided, however, no setbacks along the boundary of the Planned Development shall be less than those allowed in the zoning district adjoining the Planned Development.

4) The General Development Agreement is subject to subsequent supplemental agreements to address more specific concerns required as the level of detail increases in the review process.

5.1.5 Site and Ownership

The site of the Planned Development must be under single/joint ownership and/or unified control.

5.1.6 Compatibility

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

5.1.7 Types and Uses of Structures

Dwelling units may include single-family, two-family, townhouse or multi-family structures, based on requirements, standards described, nature of adjacent development, compensating features of the development plan, and subject to underlying zoning. Residential units located above retail or office uses may also be permitted. The Commission may also approve places of public assembly, recreational buildings, and accessory buildings if primarily for use of
persons residing within the planned unit development and if located and planned in a manner not detrimental to adjacent properties.

5.1.8 Density

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

A residential density bonus may be increased at the discretion of the Board of Mayor and Aldermen. A density bonus for public usage of greenway land in a planned development shall be computed on the basis of a maximum of 0.25 dwelling units per acre of common open space or per 2,500 feet of trail that becomes publicly accessible, with a maximum increase of 1.25 units per acre for the development. Usage may be through dedicated public easement or through dedication to the Town of Arlington, at the discretion of the Board of Mayor and Aldermen.

5.1.9 Open Space

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

5.1.10 Relation to Utilities and Public Facilities

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

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

5.1.12 Parking

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

5.1.13 Traffic

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

5.1.14 Conservation and Preservation of Community Assets

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

5.1.15 Site Planning

1) Prior to the issuance of a building permit all site plan requirements, as set forth in Chapter 10, Section 10.6, of this Zoning Ordinance shall be met.

2) Site planning within any planned development shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development. Considerations shall include, but not be limited to, area storm water management plan, hydrological studies, water and wastewater facilities, streets, the abatement of noise and other environmental consideration. (See Chapter 10, Section 10.6, Arlington Zoning Ordinance).

3) Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space inside and outside the buildings to intended uses and structural features.
4) The Arlington Planning Commission shall approve all site plans after review and recommendation by the Town Engineer and Planning Staff. The Planning Commission may approve, reject, or approve the site plan with conditions.

5) All reports and plans shall be submitted to the Town Engineer and Planning Staff for review and recommendation and shall be made a part of the Site Plan.

5.1.16 Signs

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

5.1.17 Design Standards

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

5.1.18 Departure from Standards

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

5.1.19 Relationship to Subdivision Regulations

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

5.1.20 Clustering

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

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

1) the maximum density allowed within the zoning district is not exceeded;

2) the building type(s) proposed are permitted within the particular underlying zoning district. (For example, multiple-family residences are not allowed in single-family classifications.);

3) the site subject to cluster residence approval contains at least five (5) acres of land area; and

4) any portion of the site not occupied by cluster residences is utilized only as open space, recreation space, or for thoroughfares.

5.1.21 Vehicular Movement and Standards

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

5.1.22 Pedestrian Movement

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

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

1) The design of any planned development should reflect an effort by the developer to plan land uses within the planned development so as to blend harmoniously with adjacent land uses or shall provide an adequate buffer of design and nature to ensure compatibility.

2) Screening at edges of planned developments, fences, walls or vegetative screening shall be provided along the boundaries of planned developments where needed.

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

5.2.1 Residential Planned Development District (PD/R)

1) **Uses Permitted:** Within the PD-R District, the following uses are permitted subject to review of the Planning Commission and approval of the Board of Mayor and Aldermen:

   a) Any permitted use, accessory use, or conditional use allowed in the underlying residential zoning district(s), subject to limitations requested by the developer or imposed by the Town of Arlington.

   b) In PD-R developments, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed ten (10%) percent of the land area of development. Such approved Commercial areas shall conform to the uses permitted of the B-1 Neighborhood Commercial or Office (O) District.

   All such commercial areas shall meet the following additional requirements:

   i) The building design shall be compatible with the remainder of the PD-R.

   ii) No outside storage shall be permitted and trash disposal facilities shall be completely enclosed by walls or materials that complement all other buildings.

   iii) Off-street parking areas shall be paved, landscaped and located to compliment the residential development.

   iv) Any loading service area shall be in the rear of the building.
v) The Planning Commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

2) **Area and Yard Requirements:** PD zoning waives the minimum lot sizes or yard requirements of the underlying zoning districts.

3) **Density:**
   
a) In order to encourage the utilization of planned developments in appropriate circumstances, and more closely align proposed planned developments with the intent and land use classifications of the Town's adopted Land Development Plan, the density guidelines for PD-R developments which overlay the various residential zoning districts in the Town shall be based on a gross density factor whereby the maximum density shall be calculated by dividing 43,560 square feet (one acre) by the minimum lot size of the applicable conventional district. Accordingly, the maximum permitted gross development density for each conventional residential district shall be as follows:

i) **RE-5:** Residential Planned Developments may be permitted as an overlay to R-E-5 zoning districts with a gross density not to exceed 0.20 dwelling units per acre.

ii) **E:** Residential Planned Developments may be permitted as an overlay to E-Estate zoning districts with a gross density not to exceed 1.0 dwelling unit per acre.

iii) **RS-22:** Residential Planned Developments may be permitted as an overlay to RS-22 zoning districts with a gross density not to exceed 1.98 dwelling units per acre.

iv) **RS-18:** Residential Planned Developments may be permitted as an overlay to RS-18 zoning districts with a gross density not to exceed 2.42 dwelling units per acre.

v) **RS-15:** Residential Planned Developments may be permitted as an overlay to RS-15 zoning districts with a gross density not to exceed 2.90 dwelling units per acre.

vi) **RS-13:** Residential Planned Developments may be permitted as an overlay to RS-13 zoning districts with a gross density not to exceed 3.35 dwelling units per acre.

vii) **R-MF:** Residential Planned Developments may be permitted as an overlay to R-MF zoning districts with a gross density not to exceed the following:

(1) Single-family detached dwelling – 4.35 dwelling units per acre
(2) Single-family attached dwelling – 7.26 dwelling units per acre
(3) Townhouse units – 8 dwelling units per acre
(4) Two-family dwelling – 5.44 dwelling units per acre
(5) Multi-family dwelling – 12 dwelling units per acre

b) Residential density bonuses may be granted, as described in Section 5.1.8 of this chapter.

c) Construction type and densities, lot dimensions and lot sizes must be shown on the Development Plan and addressed in the Development Agreement which must be reviewed by the Planning Commission and approved by the Board of Mayor and Aldermen.

5.3 DEVELOPMENT STANDARDS – COMMERCIAL/INDUSTRIAL PLANNED DEVELOPMENTS (PD/C-1)

5.3.1 Commercial/Industrial Planned Developments (PD/C-1)

A zoning for a Planned Commercial or Industrial Development (PD/C-1) may be approved by the Board of Mayor and Aldermen for buildings or premises to be used for the retail and wholesale sale of merchandise and services, parking areas, office buildings, hotels and motels and other similar facilities ordinarily accepted as commercial center uses and those industrial uses which can reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria and the general provisions for planned developments, planned commercial or industrial developments shall comply with the following standards:

1) **Residential Use:** Except for hotels, motels, nursing homes, assisted living facilities, retirement communities, and hospitals, no buildings shall be designed, constructed, structurally altered or used for dwelling purposes except to provide, within permitted buildings, facilities for a custodian, caretaker or watchman employed on the premises.

2) **Commercial and Industrial Uses:** The PD/C-1 designation shall allow any commercial or industrial use permitted in overlying the commercial and industrial zoning district(s), subject to limitations requested by the developer or required by the Town of Arlington.

3) **Screening:** When structures or uses in a planned commercial or industrial development abut a residential district, or permitted residential buildings in the same development, screening shall be required and provided for.
4) **Accessibility:** The site shall be accessible from an existing or proposed street network, which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development and may be designed to discourage outside through traffic from traversing the development.

5) **Landscaping:** Landscaping shall be required to provide screening of objectionable views of uses and the reduction of noise. Buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining buildings.

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

#### 5.4.1 Mixed-Use Planned Developments (PD/M)

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

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

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

In addition to the applicable standards and criteria and the general provisions for planned developments, Mixed-Use Planned Developments shall comply with the following:

1) **Mix of Uses:** Developments shall include at least three (3) different uses, with each use comprising no less than 10% of the overall area. Appropriate uses include single-family residential, multi-family residential, office, commercial, institutional, recreational, accessory uses, and other principal uses determined by the Town to be similar in character and
operation to the permitted uses, and/or complementary and compatible to permitted uses.

2) **Residential**: Residential uses shall not constitute more than 30% of the overall area. In determining the overall residential density, the Town shall be guided by the stated intent of mixed-use developments and the impacts of the proposed project on existing development and densities in the area. In no case shall the overall density exceed six (6) dwelling units per acre. Density shall be computed by multiplying the maximum permitted density by the total acreage of the PD/M property, excluding land within public or private rights-of-ways and areas permanently inundated by water.

3) **Utilities**: Public utilities shall be available to serve a PD/M development.

4) **Size**: A PD/M development shall include an area of at least 10 acres; however, the Town may waive this requirement if the site under consideration is shown to meet the intent and purpose of this section.

### 5.5 Traditional Neighborhood Development (PD/TND)

#### 5.5.1 Purpose

The purpose of the PD-TND is to encourage mixed-use, compact development that is sensitive to the environmental characteristics of the land and that facilitates the efficient use of services. Traditional Neighborhood Development diversifies and integrates land uses within close proximity to each other, and it provides for the daily recreational, shopping, and employment needs of the residents. A TND is a sustainable, long-term community that provides economic opportunity and environmental protections of sensitive lands. The purpose of the PD/TND is achieved by:

1) enabling Traditional Neighborhood Development as an overlay of multiple zoning districts;

2) providing for a range of complementary residential and non-residential uses;

3) permitting a variety of development types and forms necessary to maximizing human interactions and opportunities;

4) meeting daily retail, office, and service needs within walking distance of residences;

5) protecting environmentally sensitive areas;

6) supporting preservation and expansion of green spaces;
providing open spaces that will provide opportunities for physical activity, and promote civic identity; and

actively developing safe pedestrian connections to activity nodes, neighborhoods, recreational amenities, and civic spaces.

5.5.2 Applicability

The PD/TND applies to properties of twenty (20) acres and greater in the R-E-5, E, RS-22, RS-18, RS-15, RS-13, R-MF, B-1, B-2, B-3, S-C, and O Zoning Districts. The Board of Mayor and Aldermen may determine and permit a property between ten (10) and twenty (20) acres to be developed as a Traditional Neighborhood Development, should they determine it can meet the objectives, purpose and requirements contained in this chapter.

5.5.3 Permitted Use Areas and Uses

1) The PD/TND shall have a Neighborhood Residential Area (NRA), a Central Residential Area (CRA), and a Neighborhood Storefront Area (NSA) as described below.

2) The Neighborhood Residential Area (NRA) is reserved for single-family detached dwellings.

3) The Central Residential Area (CRA) is reserved for a broad range of housing types and ownership options. The following residential uses shall be permitted in the CRA:

   a) Single-family attached dwelling units
   b) Single-family detached dwelling units
   c) Two-family dwelling units
   d) Townhouse dwelling units
   e) Multiple-family dwelling units

4) The Neighborhood Storefront Area (NSA) is intended as mixed-use area to provide uses that meet the retail and service needs of the residents within the PD/TND and to provide compatible public (civic) and institutional uses of community-wide importance. Retail and services should be located in buildings that are scaled to attract the residents of the TND. Drive-in facilities; drive-in service places; restaurant, drive-in; and adult-oriented uses are not permitted. Mixed-use buildings are encouraged.

The following residential uses shall be permitted in the NSA area:
a) Multiple-family dwelling units
b) Upper-story residential uses to be located over shops and/or offices
c) Nursing/convalescent homes
d) Single-family attached dwelling units

5) The following list of uses shall be allowed in all areas of the PD/TND:
   a) Open space and parks land in accordance with Section 5.5.6 herein.
   b) Customary accessory uses and structures incidental to any permitted use.

5.5.4 General Tract and Setback Requirements

The design of the PD/TND shall be governed by the following tract standards:

1) Each sub-area (NRAs, CRAs, and NSAs) of the PD/TND shall be delineated and the area and residential density shall be specified for each.
   a) Under no circumstances shall the NSA exceed thirty (30%) percent of the entire tract.
   b) A minimum of seventy (70%) percent of the tract shall be in NRA or CRA use.
   c) No more than fifty-five (55%) percent of the housing units may be within the same housing type.
   d) A mix of housing types shall be provided in each sub-area.

2) If the project is phased, under no circumstances shall more than eighty-five (85%) percent of all housing units be built prior to the development of the mixed-use area.

3) The density for all residential areas combined shall not exceed eight (8) units per acre, except as provided in Section 5.1.8. This density does not include units within nursing or convalescent homes, but shall include independent-living apartments.

4) The minimum open space requirement for the tract shall be twenty (20%) percent of the tract.
5) In the NRA and CRA areas, where attached garages and carports are front-loaded/facing the street, they shall be setback from the front face of the principal structure an adequate distance so as to minimize the visual impact front the street.

6) Commercial buildings in the NSA shall not occupy more than five (5%) percent of the developable area of the Traditional Neighborhood Development, unless ground floor space is reserved for pedestrian-oriented retailing, offices, and services, with offices and housing above, in which case the following commercial area bonus shall apply. Under no circumstances shall the commercial buildings exceed fifteen (15%) percent of the total PD/TND developable area.

   a) An additional five (5%) percent of the area shall be granted if at least half of the new commercial building coverage (foundation footprint) shall be of at least two (2)-story construction and at least twenty-five (25%) percent of the upper-story space is designed for office use.

   b) An additional five (5%) percent of the PD/TND developable area shall be granted if at least half of the new commercial building coverage (foundation footprint) shall be of at least two (2)-story construction with at least twenty-five (25%) percent of the upper-story space designed for residential use.

7) A maximum front setback shall be established rather than a minimum setback in order to maintain a strong sense of streetscape in the CSA and NSA areas. Front yard setback shall be measured at the interior sidewalk edge:

   a) Maximum front yard setback for the NSA: Ten (10') feet.

   b) Maximum front yard setback for the CRA: Fifteen (15') feet.

   c) Minimum side yard setback: Five (5') feet.

   d) Minimum rear yard setback: Twenty (20') feet, except for structures along alleys in which case the minimum setback shall be ten (10') feet from the edge of pavement.

5.5.6 Open Space Land and Design Standards

The greenway and open space land shall meet the following location and design standards.

1) The following uses and combination thereof are permitted in the designated greenway / open space areas:

   a. Active recreation areas such as playfields or tennis courts
b. Central greens, neighborhood squares, plazas or commons

c. Community parks

d. Conservation of open land in its natural state

e. Easements for drainage, access, sewer or water lines, or other public purposes

f. Greenbelts

g. Stormwater detention areas designed and available for use as an integral part of the greenway trails and footpaths

2) The required open space land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities.

3) Not less than fifteen (15%) percent of the open space shall be in a form useable to and accessible by the residents. These areas shall include the following special places and shall be designed in accordance with the following:

   a) A main PD/TND green from two to ten thousand (2,000 to 10,000) square feet, located within the Neighborhood Storefront Area and adjacent to or as a terminal vista to the principal street running through the NSA. Commercial buildings, public and institutional uses shall be located either adjacent to or across the street from the central green.

   b) Smaller greens shall be dispersed throughout the remainder of the PD/TND so that no residential lot is more than a short walking distance (generally one thousand five hundred [1,500'] feet) from a green, square, or park that is a minimum of four thousand (4,000) square feet.

5.5.7 Traditional Neighborhood Design Standards

The following standards shall be applied to all PD/TNDs in the Town. Additional design requirements are found in the Arlington Subdivision Regulations and Design Guidelines Manual.

1) The following design standards shall apply to single-family attached and multiple-family dwellings:

   a) Single-family attached and multiple family buildings shall be designed to fit within the same streetscape of single-family dwellings and nonresidential buildings in both architecture and scale.
b) Single-family attached and multiple-family buildings shall be integrated into the neighborhood.

2) The following standards shall apply to the physical layout of the PD/TND:

a) The Neighborhood Storefront Areas shall be located within walking distance of Central Residential Areas and at least one-quarter (1/4) of the lots in the Neighborhood Residential Areas (walking distance is generally one thousand five hundred [1,500'] feet from the houses).

b) Non-residential uses intended to serve an area beyond the PD/TND itself shall be located to permit vehicular access from outside the neighborhood without the traffic passing through the Neighborhood Residential Areas.

c) The required greenway/open space shall be located and designed to add to the visual amenities of the PD/TND and to the surrounding area by maximizing the visibility of internal open spaces as terminal vistas and external open space as perimeter greenbelts.

3) All Traditional Neighborhood Developments shall have an interior interconnected street system, which provides access to all sub-areas. The use of alleyways is encouraged for all areas of the PD/TND.

5.6 PROCESS FOR REVIEW OF PLANNED DEVELOPMENTS

5.6.1 Plan Review Process

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

1) Pre-Application Conference: At least one (1) month prior to filing any application for a planned development, the prospective applicant shall request a Pre-application Conference with the Town Planner, Town Engineer and other department heads to discuss the proposed development. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Development application to the Planning Commission.

2) General Development Plan: Following a pre-application conference with Town staff, the applicant shall submit a request for a General Development Plan to the Planning Commission with the application for a Planned Development, all required fees and associated documentation.
If the planned development is less than fifty (50) acres, the applicant may exclude this step and begin with the Master Development Plan. If rezoning is required, the rezoning application shall be submitted and reviewed at the same time as the General Development Plan. The General Development Plan shall include as a minimum:

a) A legal description prepared by and certified by a licensed surveyor or civil engineer in a form acceptable to the Town of Arlington of the total site proposed for development.

b) A statement of current and proposed ownership and existing and proposed zoning.

c) A statement of planning objectives to be achieved by the Planned Development through the design and use mixture approach proposed by the applicant. This statement should include a description of the character of the proposed development;

d) Quantitative data for the following:

i) Total acreage of the development and acreages devoted to specific uses. Any proposed phases shall be indicated.

ii) Requested uses shall be designated by references to appropriate Arlington Zoning Districts, including permitted use sections, densities, and bulk and area requirements. Deviations from the specific district regulations shall be requested in writing.

iii) Approximate densities of development shall be indicated on the application and required plan.

iv) Approximate acreage to be maintained as common acres and proposed maintenance plans.

v) Appropriate studies, if applicable, (depending on the size and complexity of the development as determined by the Town Planner and Engineer) used in the development of the General Development Plan, such as but not limited to soils analysis, an economic feasibility study, a transportation impact study, an environmental inventory and impact analysis, a housing study, market analysis, and utility and infrastructure requirements.

e) The General Development Plan shall include one or more graphic presentation maps. The Plan map shall include as a minimum the following:

i) a property survey prepared and certified by a licensed surveyor or civil engineer in a form or other description
acceptable to the Arlington Planning Commission on a scale approved by the Planning Commission;

ii) a contour map on two (2')-foot intervals noting water courses, designated floodplains, identified aquifers or wetlands, and areas with slopes in excess of ten (10%) percent;

iii) aerial photographs or a surveyed drawing noting major natural features such as forested areas, lakes, streams, and existing uses and transportation features;

iv) a Transportation Plan showing all existing and proposed arterial and collector status streets, as well as existing minor residential streets, and design concepts to be utilized such as frontage roads and internal circulation concepts should be submitted in the written documents and illustrations provided;

v) a drainage analysis and plan;

vi) location of existing utilities, public facilities, proposed open space, and recreational or natural preservation areas;

vii) a General Plan for provisions of utilities;

viii) proposed zoning scheme noting areas for residential, commercial, and industrial uses;

ix) a Tree Preservation Plan; and

x) conceptual lot lines and plot designs.

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

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

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

a) A legal description prepared and certified by a licensed surveyor or civil engineer in a form acceptable to the Town of Arlington of
the total site proposed for development, including a statement of current and proposed ownership and existing and proposed zoning.

b) A development schedule indicating the approximate date when construction of the planned development or stages of the planned development can be expected to begin and be completed. If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

i) the approximate date when construction of the project can be expected to begin;

ii) the order and timing in which the phases of the project will be built and the estimated time of completion of each phase; and

iii) the minimum area and the approximate location of common areas and public improvements that will be required at each stage.

c) A statement of the applicant’s intentions with regard to the future selling or leasing of all or portions of the planned development, such as land areas, dwelling units, etc.

d) A statement setting forth in detail the exceptions which are requested from the Arlington Zoning Ordinance and Subdivision Regulations, which are otherwise applicable to the property, to permit the development of the proposed planned development; and

e) A description of the applicable district, use and bulk regulations under which the planned development is proposed.

f) A tabulation setting forth:

i) maximum total square feet of building floor area proposed for residential, commercial, or industrial uses by general type of use; and

ii) maximum total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential, commercial, or industrial uses; minimum public and private open space, streets, and off-street parking and loading areas.

g) A plan showing the existing site conditions, including contours at two (2')-foot intervals, water courses, designated flood plains, unique natural features and forest cover, areas with slopes in excess of ten (10%) percent.
h) Plat showing the proposed lot lines and plot designs.

i) The location and types of dwelling units, density per type, non-residential structures, including commercial or industrial facilities. Such drawings should be sufficient to relay adequacy of the transportation system, utilities and facilities, relative to natural features, but should not be encumbered with final detail at this stage.

j) The location and size in acres of all areas to be conveyed dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses.

k) The existing and proposed circulation system of arterial, collector, and minor residential streets, and major points of access to public rights-of-way (including all points of ingress and egress to the development). Notations of proposed ownership, public or private, should be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the engineering stage.)

l) The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict.

m) Analysis of availability of existing utilities and other infrastructure. Storm water retention areas, ponds, lakes, or water management areas shall be shown. (Detailed drainage plan and calculations shall be handled at the engineering stage.)

n) A general landscape plan indicating the treatment of materials to be used for private and common open spaces.

o) Tree preservation plan, showing the locations of trees to be preserved and removed.

p) Enough information on land areas adjacent to the proposed planned development to indicate relationships between the proposed development and adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features of landscape, and future plan designations.

q) The proposed treatment of the perimeter of the planned development, including materials and techniques used such as screen, fences and walls.

r) Quantitative data for the following:

i) total number and type of dwelling units and parcel size;
ii) proposed lot coverage percentages of buildings and structures;

iii) approximate gross and net residential densities;

iv) total amount of common areas (including a separate figure for usable open space);

v) total amount of non-residential construction (including separate figure for commercial or industrial facilities); and

vi) economic feasibility studies or market analysis and other studies as required where necessary as determined by the Town Planner.

s) Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed planned development.

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

5.6.2 Development Agreement

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

5.6.3 Engineering Plans

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

Before construction begins and prior to the approval of the final development plan by the Planning Commission, the developer and owner shall enter into a Development Contract with and satisfactory to the Arlington Planning Commission and the Town of Arlington Board of Mayor and Aldermen relative to all required improvements. The Development Contract shall be consistent with the Development Agreement(s).

5.7 PROCEDURES FOR PLANNED DEVELOPMENT APPROVAL

5.7.1 Plan Review Criteria

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

1) The proposed development is consistent with the Land Development Plan and with the intent and purpose of the underlying zoning district.

2) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the basic zoning district requirements.

3) The proposed development can be well integrated with its surroundings in substantial harmony with adjacent and surrounding lands.

4) The roads within the proposed development will be adequate to support the anticipated traffic and traffic generated by the development will not adversely impact adjacent roads.

5) Adequate provision is made for the preservation of natural resources such as bodies of water, significant vegetation and special terrain features.

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

5.7.2 Pre-Application Conference

At least one (1) month prior to filing any application for a planned development, the prospective applicant shall request a Pre-application Conference with the Town Planner, Town Engineer and other department heads to discuss the proposed development. The general outlines of the proposal, evidenced schematically by sketch plans, are to be considered before submission of the Planned Development application to the Planning Commission.

5.7.3 General Development or Master Development Plan Approval Process and Rezoning
1) An application for review shall be submitted to the Planning Commission. The application may be made by the property owner or his or her designated agent and filed, in writing, on forms provided by the Town along with payment of an application fee as prescribed in and shall contain information and exhibits as may be necessary in accordance with Section 5.6.1, 2) and 3) of this chapter. The completed application, information and exhibits shall be submitted in compliance with the then existing deadlines as periodically set by the Town.

2) An incomplete application or an application that fails to meet minimum submittal requirements shall be returned to the applicant by the Town and shall include a written statement enumerating the deficiencies in the application.

3) Prior to the regular Planning Commission meeting, copies of the proposed plan shall be distributed to affected Town departments for review of areas under their concern. Once the Town staff has reviewed the proposed development and has submitted a written review, a copy of these reviews shall be distributed to members of the Planning Commission and to the applicant prior to the scheduled meeting. To assist in resolving any potential problems, the owner, developer or agent shall be required to attend the meeting at which the item is to be heard.

4) The Planning Commission shall hold a public hearing on the application for the proposed Planning Development and the General Development Plan or Master Development Plan after receiving the application from the Town Planner. At least fifteen (15) days notice of the time and place of such public hearings shall be published in a newspaper of general circulation in the city, and written notice given to the property owners whose property is within five hundred (500') feet of the land proposed for the Planned Development or the property owners of a minimum of twenty-five (25) properties, whichever results in the greatest number of properties. The applicant shall provide a vicinity map showing the property which is the site of the application and all parcels of property required to be notified. Such vicinity maps shall show any and all street, roads or alleys and shall indicate the owner’s name and dimensions of each parcel of property shown. The applicant shall also provide a list of names and addresses of the owners of property shown on the vicinity map.

5) The party requesting the Planned Development must place a sign on the subject property at least fifteen (15) days prior to the public hearing. The sign must meet the following specifications:

a) **Duration:** The sign shall be placed on the property at least fifteen (15) days of the public hearing.

b) **Size:** The sign shall be 4’ x 4’ in size, single-sided. The maximum height of the sign, including posts, shall be six (6) feet.
c) **Location:** One (1) sign shall be placed on each side of the parcel facing a public right-of-way and shall be placed ten (10) feet from the public right-of-way. The sign must be completely visible to the public, not obscured by shrubbery, weeds, buildings or other objects.

d) **Content:** The sign shall state, at a minimum, the purpose of the request and the date, time and place of the public hearing. The specific wording shall be approved by the Town Planner prior to installation.

e) **Construction:** The sign must be made of weather-durable materials and the letters and numbers must be prepared using templates, stencils or attachable letters. Hand-lettered signs are not acceptable. The sign must be posted on durable wood or metal posts.

f) **Maintenance:** The applicant or requesting party is responsible for maintenance of the sign in good order until the sign is required to be removed. The status of the sign shall be checked frequently by the applicant, and immediately replace any sign that has fallen or been destroyed.

g) **Colors:** The sign background must be black with white letters and numbers.

6) The Planning Commission shall review the application and shall recommend to the Board of Mayor and Aldermen to approve, disapprove, or approve the Planned Development subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.

7) If the Planned Development is recommended for approval by the Planning Commission, the application is forwarded to the Board of Mayor and Aldermen for action. If the application is recommended for rejection by the Planning Commission, the application will not be forwarded to the Board of Mayor and Aldermen unless the applicant appeals the decision of the Planning Commission within seven (7) days of the action by the Planning Commission.

8) Any owner as defined under Section 5.1.3, herein or his agent may appeal to the Board of Mayor and Aldermen any recommendation or condition the Planning Commission imposes in the recommendations by filing written notice of appeal at least seven (7) days prior to review by the Board of Mayor and Aldermen. However, the applicant shall submit an appropriate development plan incorporating any and all conditions not appealed, to the Town Recorder within thirty (30) days after the Planning Commission’s decision on the requested Planned Development or the application shall be deemed withdrawn. Such changes shall be made prior to submission to the Board of Mayor and Aldermen.
9) The Town Recorder shall forward the recommendation of the Planning Commission and any notices of appeal to the Board of Mayor and Aldermen after the submission of the appropriate Development Plan incorporating the required conditions.

10) The Board of Mayor and Aldermen shall hold a public hearing on the application for the proposed Planned Development and the General Development Plan or Master Development Plan after receipt of recommendations from the Planning Commission and any notice of appeal. The Board of Mayor and Aldermen shall establish a date for the public hearing and shall provide written notice and publication in accordance with Sections 5.7.3.4) and 5.7.3.5) above. The Board of Mayor and Aldermen shall render a decision on any proposal and shall approve, disapprove, or approve the proposed Planned Development Plan subject to conditions, and if appropriate, shall set forth the conditions imposed.

11) The approved General Development Plan or Master Development Plan, along with the approved Development Agreement shall bind the applicant, owner and mortgagee or any subsequent ownership interest, if any, and the Town of Arlington with respect to the contents of such plan. All approved plans and development agreements shall provide for and be signed by the owner, secretary of the Planning Commission, the developer, the mortgagor, and the Mayor and attested to by the Town Recorder at the time of approval.

12) A Development Agreement shall be executed which shall include all aspects of the development including responsibilities of both the developer and the Town of Arlington. Such Development Agreement shall be submitted to the Town Attorney and shall be reviewed by the Arlington Planning Commission prior to approval by the Arlington Board of Mayor and Aldermen.

13) The Master Development Plan shall be used in lieu of a Subdivision Design Plat to comply with the provisions of the Subdivision Regulations pertaining to Design Plat.

5.7.4 Reapplication if Denied

If any application for a planned development is denied by the Board of Mayor and Aldermen, the application for such planned development shall not be eligible for reconsideration for one (1) year following such denial, except in the following cases:

1) upon initiation by the Board of Mayor and Aldermen or Planning Commission;

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

5.7.5 Engineering Plans

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

5.7.6 Final Plan Approval Process

1) An application for approval of a Final Plan of the entire Planned Development, or of a portion of the Planned Development, if it consists of more than one phase, shall be submitted by the applicant, along with all required fees, at least thirty-five (35) days prior to the Planning Commission meeting. All submissions shall be in accordance with the phasing schedule, if any, as reflected on the approved General Development Plan or Master Development Plan.

2) The application for a Final Plan approval shall be filed with the Planning Commission and shall include, but not be limited to the following:

   a) a plan suitable for recording with the Shelby County Register’s Office;

   b) proof referred to on the plan and satisfactory to the Town Attorney as to the provision and maintenance of common areas;

   c) all certificates, seals and signatures required by the Arlington Subdivision Regulations for the dedication of land and recordation of documents;

   d) tabulations of each separate use area, including land area, bulk regulations and number of dwelling units per gross acre and gross floor area for commercial and industrial uses;

   e) location and type of landscaping;

   f) location and dimensions of all existing or approved and bonded transportation, utility and drainage facilities, which shall be presented in the Engineering Plan or Plat;

   g) all other requirements of a Final Plat under the Arlington Subdivision Regulations;

   h) an approved Subdivision Construction Contract; and
3) The Planning Commission shall review the plan for conformity with the approved General Development Plan or Master Development Plan. A Final Plan, with minor changes from the approved Master Development Plan, may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, any deviation from the approved conditions and/or any modification of the development staging, shall be deemed to be a substantial deviation and require an amendment of the Master or General Development Plan by the Board of Mayor and Aldermen prior to Final Plan approval by the Planning Commission.

4) A decision shall be rendered on a Final Plan by the Planning Commission. If a Final Plan is disapproved by the Planning Commission, the applicant may resubmit a Final Plan, which substantially conforms to the approved Master Development Plan or the applicant may request an amendment to the approved Master Development Plan.

5) After Final Plan is approved by the Planning Commission, the Town Recorder shall record such plan in the Shelby County Register’s Office after receipt of any necessary bonds, fees and contracts to provide improvements required in the Development Agreement and Subdivision Regulations, and after all required signatures for a recordation have been secured.

5.7.7 Site Plan Review

All site plan reviews required under the provisions of the Zoning Ordinance shall be completed prior to application for approval of any building permit within any Planned Development.

5.7.8 Permits

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

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

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

5.7.10 Procedure for Amendment

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

5.7.11 Phasing

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

a) Any phasing of a planned development shall be approved during the General Development Plan or Master Development Plan review process and shall be sufficient in terms of size and scope in order for the phase to exist as a “stand alone” project, in the event the applicant does not implement subsequent phases of the planned development as proposed and approved.

b) Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

c) The commencement of actual construction of any phase stage of the planned development shall be governed by the provisions of this chapter.

5.7.12 Expiration of a General Development Plan or Master Development Plan

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

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

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