

ORDINANCE NO. 339

**AN ORDINANCE TO AMEND ORDANCE NO. 267 THE ZONING
REGULATION OF THE CITY OF BARLING, ARKANSAS**

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF BARLING, ARKANSAS, THAT:

SECTION 1: The Table of Contents, ARTICLE IV, SPECIFIC DISTRICT REGULATIONS is amended to include Section 6, Residential Planned Unit Development.

SECTION 2: ARTICLE II, DEFINITIONS is amended to include the following definition:

Planned Unit Development: An area of land developed as a single entity or in approved stages in conformity with a final development plan prepared by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential uses and common open space.

SECTION 3: ARTICLE III, ESTABLISHMENT OF ZONING DISTRICTS AND BOUNDARIES, Section 1, ZONING DISTRICTS ESTABLISHED, is amended to include PUD Residential Planned Unit Development District.

SECTION 4: ARTICLE IV, SPECIFIC DISTRICT REGULATIONS is amended to include the following Section 6:

Section 6

PLANNED UNIT DEVELOPMENT DISTRICTS

A. GENERAL DESCRIPTION

The purposes of this zone are to promote flexibility and innovation comprehensive in the design of large-scale developments and to encourage he use of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space into project design. The Planned Unit Development (PUD) is a superimposed description that provides wider latitude of design to achieve the goals stated above and allows for review of zoning and development simultaneously.

B. USES PERMITTED

In concept, the PUD is a combination of zoning designation and development plan. A detailed development plan is required for permitting. Development must follow the development plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations. The Planning Commission shall consider a PUD proposal only if it meets one of the following threshold criteria.

- 1) The PUD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.
- 2) The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
- 3) The PUD involves a large parcel in which flexibility would allow high quality or innovative urban design.
- 4) The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
- 5) The PUD design results in a minimum of 30 percent of the total development's being reserved as permanent open space.

PUDs shall be residential in nature. The development plan shall clearly depict the proposed land uses. There are no minimum lot size restrictions for PUDs; however, the Planning Commission will consider PUDs on less than one acre only under special circumstances.

C. APPLICATION PROCESS

The applicant for a Planned Unit Development zone shall be the owner(s) of the property or the party designated to act as agent for the owners(s). The responsibilities of the applicant are as follows:

1. 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.
 - 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.

D. DEVELOPMENT PLAN SUBMITTAL

No less than ~~ten~~ (25) days prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed, the applicant shall submit ~~ten~~ 12) copies of the proposed development plan to

the staff. The submittal shall include the following as a minimum.

- a. A development plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® in the version required by the city. Survey information shall be prepared Professional Surveyor (P.S.) Drainage and utility calculations shall be prepared by a Professional Engineer (P.E.) The stamps of the individuals responsible for the various elements shall be indicated on the drawing.
- b. Name of developer
- c. Name and address of owner
- d. Type of activity
- e. Architectural standards and minimum and maximum square footages for structures to be constructed on each lot shall be included in the PUD
- f. Topographic contours at two (2) foot intervals
- g. All easements existing or proposed.
- h. Street rights-of-ways and street names.
- i. All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated.
- j. Proposed landscaping
- k. Open space and community facilities, if any, proposed as part of the PUD
- l. Location of all existing and proposed private and public utilities.
- m. Names of the owners of adjacent properties
- n. Zoning classifications of adjoining properties
- o. Preliminary construction drawings as necessary to support the proposals outlined in the development plan.
- p. Exterior lighting and speakers
- q. The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.

E. REGULATIONS

The regulations for PUD are as follows:

- a. Residential Lot Size No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features. A minimum of 30 percent of each lot shall be open space.
- b. Open Space Reservation In any Planned Unit Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall be maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of

the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the City Engineer shall be posted with the City for completion of said open space improvements prior to such sale. The development plan shall clearly depict the amount of land to be maintained as permanent open space.

c. **Development Density** The development plan shall clearly depict the proposed density by land use category.

d. **Property Owners' Association** As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.

e. **Responsibility for Open Space** Nothing in this Section of the Code shall be construed as a responsibility of the City of Barling, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

f. **Common Open Spaces** The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the planned unit development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in

particular, will provide for restricting the use of common open spaces for the designated purpose.

g. Landscaping Plan In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of development plan submission showing the spacing, sizes, and specific types of landscaping material. The Planning Commission shall review the landscaping plan in conjunction with the review of the development plan.

The preservation of the natural amenities within the planned unit development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. Existing trees shall be preserved wherever possible. 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. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission.

h. Transportation The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. Minor streets within planned unit development shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

Where the residential planned unit development consists of single-family detached dwellings on platted lots of less than 6,500 square feet, the developer may be required to provide an approved designated common area for the parking of campers, travel trailers, recreational trailers and vehicles, boats and boat trailers and other similar vehicles.

i. Land Subdivision In the construction and installation of all subdivision improvements in the planned unit development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exception to the requirements is approved by the Planning Commission and the by the Board of Directors.

In the future, should the owners of a PUD request that the private streets

be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

F. REVIEW PROCESS

The Planning Commission shall review the proposed PUD after proper submittal of all documents and review by the appropriate city staff. The following criteria will govern the approval or disapproval of the PUD zoning application by the Planning Commission.

- a. The PUD shall provide public benefits that would not be achievable through the normal zoning regulations
- b. The PUD shall maintain the same or higher level of service (LOS) for the surrounding traffic system.
- c. The PUD shall conform in size, shape, and bulk to those in surrounding developments. The Planning Commission may make exceptions when adequate buffering is included with the PUD to shield adjoining uses from the adverse effects of higher land use intensities. The Planning Commission may also make exceptions when the PUD clearly represents a transitional development between developments or neighborhoods of differing densities or intensities of use.
- d. The PUD shall be compatible with the all adopted plans and policies of the city, including the Master Street Plan. If the PUD is not consistent with any of such plans or policies, the application must include with the PUD submittal a request to amend such plans or policies.
- e. The PUD shall be designed in such a manner as to protect the public health, welfare and safety of the residents of the neighborhood in which it is located.
- f. The PUD must be of a character and contain such uses that are needed in the area of the proposed project.
- g. Approval of a PUD cannot result in the violation of regulations in the Arkansas Fire Prevention Code or in regulations issued by the Arkansas Health Department or Arkansas Department of Environmental Quality. Approval of the PUD cannot result in the reduction of standard engineering practices or in the drainage or water quality requirements of the city.

G. BOARD OF DIRECTORS APPROVAL

Planned Unit Developments represent zoning districts and must be approved by the Board of Directors. However, the development shall be in accordance with the approved development plan. The Planning Commission must approve any contemplated deviation from the approved development plan. Upon approval by the Planning Commission, all recommendations shall be submitted to the City Board of Directors for approval. The City Board of Directors has the authority to require reasonable plan changes for the Planned Unit Development as a prerequisite to approval. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

H. AMENDMENTS

Following City Board of Directors approval the staff may approve minor revisions to the site plan if:

1. No changes are made to either the access or the egress to the PUD.
2. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
3. No new streets are proposed for dedication.
4. No new private streets are proposed.
5. Overall residential density is not increased.
6. Overall drainage patterns are not altered.
7. No additional loads are placed on municipal utilities.
8. Retail and office space is not increased by more than five percent.
9. No open space is dedicated for public maintenance

SECTION 5. ARTICLE VI, SITE PLAN REVIEW, Section 2, APPLICABLE DISTRICTS is amended to include the following:

“RPUD” Residential Planned Unit Development

SECTION 6. ARTICLE VI, SITE PLAN REVIEW, Section 3, PROCEDURE AND AUTHORITY paragraph 1 is amended to include the following:

The procedure for zoning of property to the Planned Unit Development Classification shall be as required by Article IV, Section 4.

SECTION 7. Emergency Clause. Development of the City in a safe, orderly, and attractive manner is important to the safety and welfare of the City of Barling such that an emergency is declared to exist and this Ordinance shall be in full force and effect from and after passage.

PASSED AND APPROVED this 14TH day of August, 2007.

ORDINANCE NO. 339

**AN ORDINANCE AMENDING ORDINANCE NO. 267 TO PROVIDE FOR
PLANNED UNIT DEVELOPMENTS AND OTHER PURPOSES**

SECTION 1: On this 14th day of August, 2007, the Board has made amendments to Ordinance No. 267, The Zoning Ordinance of the City of Barling, to provide for Planned Unit Developments (PUDs). The Board hereby adopts said amendments to the code by reference. The Clerk shall keep and maintain a sufficient number of copies of said Ordinance, as amended, available for the public to review.

SECTION 2: Emergency Clause. Development of the City in a safe, orderly, and attractive manner is important to the safety and welfare of the City of Barling such that an emergency is declared to exist and this Ordinance shall be in full force and effect from and after passage.

PASSED AND APPROVED this 14TH day of August, 2007.



Mayor Jerry Barling

ATTEST:

Cindy DuBois
City Clerk, Cindy DuBois