



## Legislation Text

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**File #:** ORD-82:1841, **Version:** 1

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AN ORDINANCE TO AMEND ORDINANCE NO.954, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR RESIDENTIAL PLANNED UNIT DEVELOPMENT.

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

### Section 1: Statement of Legislative Purpose and Intent.

The intent of Article 7 of the Zoning Ordinance is to permit a combination Subdivision and Residential Planned Unit Development review for parcels of land into one process in order that all aspects of a proposed development can be reviewed and acted upon simultaneously. It is also the intent of this article to provide a combination of fixed standards and guidelines pertaining to zoning and subdivision regulations for the administrative review of specific development plans. In this way, applicants may be granted relief from specific regulations and may be awarded certain premiums in return for assurances of overall planning and design quality. By permitting and encouraging the use of such procedures, the MAPC will be able to make more informed land use decisions and thereby guide development more effectively in the best interest of the health, safety and welfare of the municipality. Specifically, the purposes of Article 7 are to encourage:

- (a) Development which is more desirable than that which would occur through strict applications of the zoning and subdivision ordinances.
- (b) More efficient and economic arrangements of varied land use, buildings circulation systems and facilities.
- (c) Better utilization of sites characterized by special features of geographic location, topography, size or shape.
- (d) Preparation of more complete and useful information which will enable the MAPC to make more informed decisions on land use.
- (e) Residential developments within existing residential and commercial zoned areas utilizing fixed regulations and general guidelines to allow an orderly development of recognized legitimate forms of housing previously restricted or denied by sub-division and zoning regulations.

### Section 2: Definitions.

- (a) Condominium: For the purposes of the Residential Planned Unit Development Ordinance the word "condominium" donates a form of ownership permitted for residential units within a Residential Planned Unit Development, said form of ownership provides for residential units to be individually owned, each owner receiving a recordable deed enabling to owner to sell, mortgage, or exchange a residential unit independent of the owners of any other residential unit within a horizontal property regime as defined by Arkansas law.
- (b) Fee Simple Townhouse: Two or more single family dwelling units constructed in a series of attached units. Fee Simple Townhouses convey private usable open space to each property owner but does not convey common usable open space to the property owners in the development. Does not provide for a homeowners association. Fee Simple Townhouses are constructed on individual platted lots.
- (c) Authorized Agent: A person or persons authorized by the land owner to act in his behalf.
- (d) Building Coverage: The land area covered by dwelling units, garages, carports and recreation buildings, including covered balconies, porches and other architectural projections, but not including roof overhangs, open balconies and open porches.

(e) **Common Usable Open Space:** That portion of land or water, or combination thereof, within the boundaries of a Residential Planned Unit Development that is designed to be easily accessible for the use and enjoyment of the occupants of said development. Common useable open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the Planned Unit Development, but shall not include parking lots, streets and other areas designed primarily for other than common recreational or open space use.

(f) **Agenda Closing:** That date established by the Planning Commission by which all Planned Unit Development applications must be filed to be heard by the commission at their subsequent meeting.

(g) **Gross Acreage:** The total acreage of the proposed development including areas designated for streets, rights-of-way and other public area facilities.

(h) **Gross Feasible Area:** Revenue producing portion of a structure.

(i) **MAPC:** Metropolitan Area Planning Commission.

(j) **Gross Floor Area:** That portion of a building measured by taking the outside dimensions of the building of each floor level, except that portion of the basement areas used for utilities or storage and any areas within the building used for off-street parking.

(k) **Guideline:** A general standard not intended to be fixed or absolute by which a development may be evaluated.

(l) **Homeowners Association:** An organization composed of residents within the Planned Unit Development which may own common property and is responsible for the maintenance and management of that commonly owned property.

(m) **Land Owner:** Either the owner or owners of record for all the land proposed to be included in a Planned Unit Development or the holder of a contract or option to purchase the property to be included in the Planned Unit Development.

(n) **Net Acreage:** The gross acreage of the Planned Unit Development less all areas set aside for street right-of-ways or other public facilities.

(o) **Owner of Record:** Person or persons having title to a piece of property.

(p) **Perimeter Lot:** Any lot within the Planned Unit Development adjacent to the boundary street right-of-way.

(q) **Planned Unit Development:** A parcel or parcels of land proposed for development as a single entity.

(r) **Private Usable Open Space:** An area of land owned by a property owner and available for his private use and enjoyment which may include outdoor usable areas such as decks, roofs and yards.

(s) **Public improvements:** Community owned facilities including storm drainage, streets, parks and public utilities.

(t) **Residential Family Living Units:** For the purpose of the Residential Planned Unit Development Ordinance, a Residential Family Living Unit is a single unit, excluding mobile homes, attached or detached, providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, cooking and sanitation.

(u) **Residential Dwelling Unit:** For the purpose of the Residential Planned Unit Development Ordinance, a Residential Dwelling Unit is a single unit, excluding mobile homes, attached or detached, providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping and sanitation.

(v) **Building Code:** The legally adopted building code of the City of Jonesboro, Arkansas, in force at the time of issuance of building permits for construction within a Residential Planned Unit Development.

(w) **Mobile Home:** Any vehicular or similar portable structure used for living, sleeping or storage purposes, having no foundation other than wheels, blocks, skids, jacks or skirting and which is, has been, or reasonable may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means.

(x) **Buffer Zone:** For the purposes of the Residential Planned Unit Development Ordinance, a buffer zone is a specific dimensioned area, designated by the MAPC, as requiring special measures not provided by existing

guidelines standards to adequately providing for the health, safety, and welfare of the occupants within, or abutting a Residential Planned Unit Development. The intent of the buffer zone is to provide privacy, separation by distance, concealment, or a combination thereof. The elements of a buffer zone may be a fence, additional setbacks or landscaped areas.

(y) Home Occupation: Any use customarily conducted entirely within a dwelling and carried on principally by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade, no outside storage or equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation. Such uses as, but not limited to, animal hospital, animal grooming, animal boarding, vehicle repair, motor or appliance repair, beauty parlor, barbershop, tearoom, medical examinations or treatment, clinic, kindergartens, or child nurseries, shall not be deemed to be home occupations within a residential family living unit or residential dwelling unit in a Residential Planned Unit Development.

### Section 3: Eligibility Requirements and Staging.

The three standards of eligibility for the submission of a Residential Planned Unit Development which must be met are location, ownership and size. Phased development may be permitted under the provisions of Section 7.

### Section 4: Location:

(a) Eligible properties includes those parcels of land within the corporate limits of the City of Jonesboro, Arkansas, meeting the requirements of this ordinance, and having a zoning classification of Residential One (R-1), Residential Two (R-2), Residential Three (R-3), Commercial One (C-1), Commercial Two (C-2), Commercial Three (C-3), Commercial Four (C-4) or Commercial Five (C-5).

(b) Other eligible properties includes, those parcels of land located outside of the corporate limits of the City of Jonesboro that are within the area of jurisdiction of the Metropolitan Area Planning Commission.

(c) The allowable density for a Residential Planned Unit Development proposed to be developed on properties as described in Section 4 (a) and 4 (b) shall be in accordance with the provisions of Section 16, Density Standards and Residential Planned Unit Development.

### Section 5: Ownership:

Eligible applicants for preliminary plan review must be the land-owners of record, holders of a lease for not less than 50 years or their authorized agent and beneficiaries of all properties in question. Before approval of the final development plan, the applicant(s) shall be the owners(s) of record or holders of a lease for not less than 50 years. The approved final development plan shall be binding on all sequent owners of the land until revised or repealed as authorized in this article.

### Section 6: Minimum Size:

A. The minimum gross acreage required for a proposed Residential Planned Unit Development within the following residential zoning classifications are as follows:

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|-----------------------------|-------------------|
| (a) Residential One (R-1)   | 5.0 (gross acres) |
| (b) Residential Two (R-2)   | 2.0 (gross acres) |
| (c) Residential Three (R-3) | 1.0 (gross acres) |

B. The minimum gross acreage required for a proposed Residential Planned Unit Development within the following commercial zoned classifications are as follows:

- (a) Commercial One (C-1) 1.0 (gross acres)
- (b) Commercial Two (C-2) 1.0 (gross acres)
- (c) Commercial Three (C-3) 2.0 (gross acres)
- (d) Commercial Four (C-4) 2.0 (gross acres)
- (e) Commercial Five (C-5) 2.0 (gross acres)

C. The minimum gross acreage requirements for a proposed Residential Planned Unit Development within parcels of property zoned C-1, C-2, C-3, C-4, or C-5 may be reduced provided the applicant can show that the proposed development can meet the intent, regulations and guidelines of this ordinance without injury to the public health, safety and welfare.

#### Section 7: Phased Development.

A. The applicant shall submit a comprehensive plan for the entire area that is being requested to be approved for a Residential Planned Unit Development. However, the applicant may request approval by the MAPC to develop certain designated portions of the comprehensive plan in phased development. The areas of proposed phased development shall be clearly indicated on the Preliminary Development Plan with a date of completion for each phase indicated. If the applicant cannot adhere to the time period approved for each phase, he shall submit a written request for an extension from the MAPC. A maximum of two extensions may be granted by the MAPC. Each extension granted shall be for a two years period. Additional extensions shall require approval by the City Council.

#### Section 8: Application Review Procedure.

A. The Residential Planned Unit Development review shall consist of the following three phases.

- (a) Pre-application Conference
- (b) Preliminary Development Plan
- (c) Final Development Plan

B. A Notice of Public Hearing shall be published in a newspaper of general circulation in the City of Jonesboro at least one time a minimum of seven (7) calendar days prior to a meeting of the MAPC to review a Preliminary Development Plan in conjunction with a proposed Residential Planned Unit Development.

C. It shall be the responsibility of an applicant submitting a Preliminary Development Plan for a proposed Residential Planned Unit Development to provide sufficient data to the MAPC Assistant for the preparation of a Notice of Public Hearing for publication. The data shall be presented at least fifteen (15) calendar days prior to the scheduled meeting of MAPC at which a Preliminary Development Plan is an item of agenda in conjunction with a proposed Residential Planned Unit Development.

D. The applicant shall submit to the MAPC prior to the Preliminary Development Plan being presented, evidence that he has contacted in written form the owner or owners of each separate parcel of land that is adjacent to, or located directly across the street from said lot or site being considered for a Residential Planned Unit Development, indicating to each affected owner, the location of the proposed development, a general description of the proposed development, and the date and time that the MAPC will consider the proposal. The applicant shall present a plat map showing the location of affected properties, together with the name of the owner of record and the acknowledgement of receipt of notification from each property owner, such as postal return-receipt slips. The City Inspector's office will provide forms to the applicant to mail to the affected property owners.

Section 9: Pre-application Conference.

- A. The intent of the pre-application Conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys, and other data required in a Preliminary Development Plan.
- B. Before submitting an application for a Residential Planned Unit Development, the applicant or his authorized agent shall confer with the Director of Public Works, Director of Code Enforcement and the Administrative Assistant to the Metropolitan Area Planning Commission, in order to become familiar with the Residential Planned Unit Development review process.
- C. The purpose of the Pre-application Conference is to inform the applicant of any perceived potential problems that might arise. A further purpose of the conference is to make sure that the applicant has, or will be able to, submit the necessary information for filing the Preliminary Development Plan.
- D. The applicant shall be provided a handout to include a copy of the residential Planned Unit Development Ordinance, deadlines for submittal, fee schedule, and any other pertinent data considered to be useful in application submittal.

Section 10: Preliminary Development Plan.

- A. A Preliminary Development Plan submitted in conjunction with a proposed Residential Planned Unit Development shall be submitted to the MAPC meeting at which the Preliminary Development Plan is proposed to be reviewed as an item of agenda.
- B. A Preliminary Development Plan submitted in conjunction with a Residential Planned Unit Development shall not be reviewed by the MAPC that has not fully complied with the requirements as set forth in Section 8 (B) of this ordinance pertaining to the Notice of Public Hearing.
- C. The MAPC shall not consider, or act upon, both the Preliminary Development and the Final Development Plan for a proposed Residential Planned Unit Development at the same scheduled meeting.
- D. Public utilities servicing the area within a proposed Residential Planned Unit Development shall be notified by the MAPC Assistant within two (2) working days from the date of receipt of a Preliminary Development Plan. The notification shall state that a Preliminary Development Plan has been received and will be available for review in the City Inspectors Office until 4 P.M. on the date of the MAPC meeting where said plan is an item of agenda for review. The utility representatives shall make a written report to the MAPC specifying any changes or additions to the Preliminary Plan needed in order to provide service to the area. The written report shall be made on forms provided by the MAPC Assistant and shall be forwarded to the Chairman of the MAPC at the time when said plan is presented to the MAPC as an item of agenda.
- E. The Director of Public Works, Director of Code Enforcement, Chief of Police, Fire Chief, or their authorized representatives, shall be notified by the MAPC Assistant within two (2) working days from the date of receipt of a Preliminary Development Plan submitted for review of a proposed Residential Planned Unit Development. The notification shall state that a Preliminary Development Plan has been received and is available for review in the City Inspectors office until 4 P.M. on the date of the MAPC meeting where said plan is an item of agenda for review. The city officials, within their area of responsibility, shall review said plan and make a written report to the MAPC when, in their opinion, any standard or guideline has been deviated from or omitted from the Preliminary Development Plan. The Written report shall be made on forms provided by the MAPC Assistant and shall be forwarded to the Chairman of the MAPC at the time when said plan is presented to the MAPC as an item of agenda.
- F. The Metropolitan Area Planning Commission shall have the authority to grant approval, disapprove, table or grant approval conditioned on specified modifications for the Preliminary Development Plan submitted for review in conjunction with a proposed Residential Planned Unit Development.
- G. APPROVAL: If the Preliminary Development Plan is approved the applicant shall then have the right to

submit a Final Development Plan for review. A new application for a Preliminary Development Plan shall be required if a Final Development Plan has not been submitted within one (1) years from the date of approval of the Preliminary Development Plan by the MAPC. The applicant may request and extension of time in accordance with the provisions of Section 11 (B) of this ordinance.

H. MODIFICATION: If the MAPC grants approval of the Preliminary Development Plan conditioned on specified modifications, the MAPC shall have the discretion of requiring the applicant to submit a revised preliminary plan for review or to allow the specified modifications to be incorporated into the Final Development Plan.

I. REJECTION: If a Preliminary Development Plan is denied the applicant may appeal the decision of the MAPC to the City Council in accordance with Section 2-3.2, Code of Ordinances City of Jonesboro.

J. The following information or requirements shall be included on a Preliminary Development Plan submitted for a proposed Residential Planned Unit Development.

- (a) The Preliminary Development Plan shall be prepared by a registered professional architect or engineer licensed to practice the state of Arkansas. The drainage plans and street construction details shall specifically be prepared by a licensed professional civil engineer licensed to practice in the state of Arkansas. The Preliminary Development Plan shall bear a legible stamp of the architect or engineer preparing the plan on each page submitted.
- (b) Parcel size (acreage and square footage)
- (c) Total square footage of building coverage
- (d) Density (number of residential units per net acre)
- (e) If applicable, total square footage or private open space provided for each residential unit.
- (f) If applicable, total square footage of common open space provided on the total site for the use and benefit of all the occupants, less parking lots, streets and driveways.
- (g) The North arrow and the graphic scale.
- (h) The proposed utility layouts (sewers, water, electricity, gas etc.) showing feasible connections to the existing or proposed utility systems. When such connections are not feasible, any individual water supply or sewage disposal shall meet the requirements of the State Board of Health.
- (i) The location of existing and platted property lines, streets, buildings, bridges, culverts, drain pipes, water mains, sewers, public utility easements, wooded areas, marshes, the zoning classification, if applicable of the proposed Residential Planned Unit Development, and of adjacent land.
- (j) Contour intervals of two feet (2').
- (k) The names, right-of-way and surface widths, grades and locations of all proposed streets. The location and dimensions and use of proposed easements. The location and dimensions of proposed open space.
- (l) Proposed profile of street grades
- (m) Areas within the Residential Planned Unit Development designated to be developed in phases in accordance with Section 7 (A) this ordinance shall be clearly indicated with a date of completion for each phase indicated.
- (n) Proposed streets shall be designated as public dedicated or private streets.
- (o) Adequate provisions for drainage of surface water shall be submitted in sufficient detail to provide for a review by the City Engineer. The drainage plan shall provide a description, specifications and drawings prepared by a registered professional civil engineer licensed to practice in the state of Arkansas. The drainage plan shall indicate adequate provisions to provide drainage for the Residential Planned Unit Development and for adjacent areas affected by drainage across or from said development.
- (p) The preliminary Development Plan shall be submitted in twelve (12) copies at a scale of one (1) inch equals one hundred (100) feet.

#### Section 11: Final Development Plan:

A. The applicant may submit a Final Development Plan for review at the next regularly scheduled meeting of the Metropolitan Area Planning Commission following approval of the Preliminary Development Plan. The Metropolitan Area Planning Commission has the discretion to require that a Notice of Public Hearing be published prior to reviewing a Final Development Plan when one hundred and eighty days have elapsed from the date of approval of the Preliminary Development Plan.

B. The applicant shall have one (1) year from the date of preliminary plan approval to submit a Final Development Plan. In cases where the applicant cannot adhere to the time schedule for submittal, a request for an extension of time shall be made in writing to the MAPC. A maximum of two extensions of up to two years each may be granted by the MAPC. Additional extensions shall require approval by the City Council. Extensions must be applied for before the time limit elapses or all previously approved preliminary approvals shall be voted.

C. Phased development with completion dates as approved on the Final Development Plan shall be followed. If the applicant is unable to adhere to the approval schedule he may make a request for a time extension in writing to the MAPC. The request shall outline in detail the reasons why the approved schedule cannot be met. The MAPC shall have the discretion to deny or approve a time extension of the previously approved completion dates of phased development. If an extension of time is approved, the amount of time granted beyond the previously approved completion dates shall be at the discretion of the MAPC.

D. Final Development Plan submitted in conjunction with a proposed Residential Planned Unit Development shall be submitted to the MAPC Assistant a minimum of eight (8) calendar days prior to the MAPC meeting at which a Final Development Plan is to be reviewed as an item of agenda.

E. Public utility companies servicing the area within a proposed Residential Planned Unit Development shall be notified by the MAPC Assistant within two (2) working days from the date of receipt of a Final Development Plan being submitted for review by the MAPC. The notification shall state that a Final Development Plan has been received and is available for review in the City Inspectors office until 4 P.M. on the date of the MAPC meeting where said plan is an item of agenda for review. The utility company representatives are encouraged to make a written report to the MAPC when there is an omission of data that is required to be submitted, or when any problem is perceived in providing service to the area.

F. The Director of Public Works, Director of Code Enforcement, Chief of Police, Fire Chief, or their authorized representatives, shall be notified by the MAPC Assistant within two (2) working days from the date of receipt of a Final Development Plan submitted for review of a proposed Residential Planned Unit Development. The notification shall state that a Final Development Plan has been received and is available for review in the City Inspectors office until 4 P.M. on The date of the MAPC meeting where said plan is an item of agenda for review. The review is intended to annotate and report to the MAPC in an advisory role, any elements omitted from those required to be submitted for the Final Development Plan review. They shall also annotate and report any variations between the preliminary Development Plan previously approved and the Final Development Plan submitted for final approval. Exception being those elements required by the MAPC as a condition for granting approval of the Preliminary Development Plan. The applicant shall bear the burden to show the MAPC good cause for modifications or variations between the Preliminary Development Plan and the Final Development Plan submitted for review. The written comments of the city officials shall be presented to the Chairman of the MAPC prior to the Final Development Plan being reviewed by the MAPC.

G. The Final Development Plan shall incorporate the elements required in the submittal of a Preliminary Development Plan, any changes in the Preliminary Development Plan dictated by the MAPC as a condition of approval, and elements within this section required to be submitted for a Final Development Plan.

H. If the Final Development Plan as submitted contains variations from the previously approved Preliminary Development Plan the MAPC may, after meeting with the applicant, refuse to grant final approval and shall so advise the applicant in writing setting forth the reasons of said refusal. The applicant may either resubmit the Final Development Plan with corrected variations, or file an appeal to the City Council in

accordance with Section 2-3.2, Code of Ordinance City of Jonesboro, Arkansas.

I. The Final Development Plan shall contain all information required in the Preliminary Development Plan, plus the following:

- (a) A letter from the applicant requesting a Final Development Plan review.
- (b) Where applicable a description of the maintenance provisions of the development.
- (c) Survey of the property.
- (d) Starting date and dates when various phases are projected to be completed.

J. A site plan with the required preliminary plan information plus the following:

- (a) Indication in feet of the interior curb radius for all vehicle turning movements within, into, and off the site.
- (b) Illustration of proposed street improvements to be provided in relation to property lines including additional dedication, if required, and width of curb cuts.
- (c) Illustration of existing and proposed water supply for fire protections, utility systems including sanitary sewers, water, electric, cable TV, gas, telephone lines, necessary easements for said utilities indicated and evidence of approval from the responsible utilities; Illustration of existing storm sewers, ditches or waterways. The dedicated easement for said drainage indicated and approved of the Director of Public Works as to the adequacy of said easements for maintenance access.
- (d) Illustration of location of structures, structure dimensions including building height, and dimensional distances between structures. Where structures about a public or private street right-of-way the dimensions from structure foundations to said right-of-way shall be indicated. The dimensional distances between structures shall be measured to the nearest point of the structure.
- (e) A detailed landscaping plan showing the spacing, size and specific types of landscaping material for all areas of a Residential Planned Unit Development designated as common usable open space.

#### Section 12: Causes for Revocation as Enforcement Action.

A. That MAPC may recommend to the City Council that any previous Residential Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

K. If the applicant does not adhere to development completion dates as approved in the Preliminary Development Plan, including approved completion dates of areas designated to be developed in phases.

- (a) If the construction and provisions for common open spaces and recreational facilities, as indicated on the approved Final Development Plan, are proceeding at a slower rate than other project components, or if actual development is found to be in deviation from any portion of the approved Final Development Plan.
- (b) The MAPC Assistant, from time to time, shall compare the actual development accomplished with the approved development schedule. If it is found that the rate of construction of dwelling units is greater than the rate at which common open spaces and recreational facilities have been constructed and provided, or if deviations in actual development from the approved Final Development Plan is discovered, the MAPC Assistant shall bring the matter(s) to the attention of the MAPC in a written report.
- (c) Enforcement actions by the MAPC as prescribed in Section 12 (A) (a) (b) shall be in the form of a written recommendation to the City Council, City of Jonesboro, Arkansas, for final approval or disapproval of submitted recommendations. The MAPC shall not submit recommendations to the City Council until the applicant has been notified in writing of contemplated action, and has been afforded the opportunity to appear before the MAPC to show good cause why said recommendations should not be forwarded to the City Council.

#### Section 13: Building Heights.

A. There shall be no set or rigid maximum building heights imposed except in Residential One (R-1) zoned areas within a proposed Residential Planned Unit Development.



B. The maximum building height in a Residential One (R-1) zoned area of a proposed Residential Planned Unit Development shall be two (2) floors plus basement.

C. The MAPC, at the time of the Preliminary Development Plan review, shall consider building heights as proposed by the applicant in areas other than those zoned as Residential One (R-1). The MAPC may impose lesser heights than those submitted by the applicant based on one or more of the following considerations:

- (a) When it is deemed necessary to restrict heights to provide adequate light and air to adjacent property.
- (b) When heights as proposed would be considered excessive in comparison to existing residential development abutting the proposed Residential Planned Unit Development.

Section 14: Minimum Parking Standards - Residential Planned Unit Development.

A. The following standards shall be used in evaluating parking provisions submitted for a proposed Residential Planned Unit Development.

- (a) Single family detached, condominium, townhouse,
  - Zero lot line concept 2.0 spaces/unit
- (b) Apartments, two and three bedrooms 2.0 spaces/unit
- (c) Apartment, one bedroom 1.0 spaces/unit
- (d) Apartment, elderly 0.5 spaces/unit
- (e) Fraternity or sorority house 1.0 spaces/per resident
- (f) Each parking space shall be paved and provide a minimum area of 180 square feet. Adequate ingress and egress shall be provided for each parking space.
- (g) When common parking areas or parking lots are provided within a Planned Unit Development the areas or lots should be designed to preclude the necessity for a vehicle to back into the flow of traffic on a private or public street while exiting the common parking areas.
- (h) Entrances and or exits from common parking areas within a Planned Unit Development should be so designed to preclude placement of entrances or exits within 80 feet of a street intersection, eight public or private.
- (i) In common parking areas, the minimum aisle width between parking rows shall be as follows. A ninety degree (90°) parking angle with two way traffic, proposed shall require a minimum aisle width of twenty four feet (24'). A sixty degree (60°) parking angle with one way traffic proposed shall require a minimum aisle width of eighteen feet (18'). A forty five degree (45°) parking angle with one way traffic proposed shall require a minimum aisle width of thirteen feet (13"). A thirty degree (30°) parking angle with one way traffic proposed shall require a minimum aisle width of eleven feet (11)'. The MAPC will consider other parking lot proposals submitted by the applicant that conforms to published architectural/engineering standards.
- (j) In instances where an aisle between parking rows of a parking area is designated as one way traffic, and is intended to provide emergency vehicle access to residential units, said aisle shall provide a minimum unobstructed width of twenty feet (20') with adequate turning radius to accommodate emergency vehicle access to said aisle.
- (k) When required parking spaces are proposed within the building setback area along the external perimeter of a Residential Planned Unit Development, (reference Section 18 A.B.) the access drive to said parking area and the parking area shall be set back a minimum of ten (10) feet from the perimeter boundary line. The MAPC may impose as a condition of approval that said parking area be screened by fence, wall, or landscaping as specified.

Section 15: Street Standards and Guidelines.

A. The following standards and or guidelines as specified shall apply to streets within and abutting a

Residential Planned Unit Development.

- (a) All street construction and drainage plans shall bear the certificate of a professional engineer duly registered in the State of Arkansas and trained in appropriate skills as assurance that all components of the proposed facility have been properly illustrated and presented.
- (b) Public dedicated streets tithing the boundaries of a Residential Planned Unit Development shall be in accordance with the design and construction standards as required by the City of Jonesboro, Arkansas.
- (c) When approved by the MAPC, private streets may vary from the adopted standards or requirements of the City of Jonesboro, Arkansas pertaining to minimum required pavement widths and the dedication of street right-of-way. However, the required pavement widths shall not be varied below the minimum requirements for access to buildings by fire apparatus. In cases where curbs and gutters can be determined to be insignificant in providing adequate drainage, the MAPC may waive said requirement. The MAPC may require a written report from the City Engineer before rendering a final decision.
- (d) Private streets shall not be permitted within a Residential Planned Unit Development unless the maintenance for said private streets is provided for by the developer or a neighborhood property owners association. The method for maintenance and a maintenance fund shall be established by the Residential Planned Unit Development covenants. The MAPC before granting final approval for private streets within a Residential Planned Unit Development shall require the applicant to submit a binding legal document(s), approved by the City Attorney that would explicitly exclude the City of Jonesboro from any maintenance responsibilities on private streets approved by the MAPC. The approved by the City Attorney shall be in writing to the MAPC to be included and attached as a part of the official final development plan.
- (e) Low volume traffic (local) streets within the interior of a Residential Planned Unit Development designed to primarily serve the occupants within and not being a continuation of an existing street into and exiting the development as a public thoroughfare may be considered by the MAPC as a private street. The streets within a Residential Planned Unit Development fitting the above description may be submitted to the MAPC for review to consider proposals by the developer to provide limited access to said streets in order to provide privacy and security to the occupants residing within the Residential Planned Unit Development. Each proposal shall provide full details as to plans to provide emergency vehicle access, utility access, and sanitation department service. The MAPC shall review any such proposals on their individual merits to fulfill privacy and security objectives and still provide continuation of normal city services.
- (f) Private streets within a Residential Planned Unit Development shall be considered subject to the following conditions. Private streets shall be permitted only for a loop street, or street ending with a cul-de-sac.
- (g) The maximum length of a cul-de-sac as a private street shall be considered by the MAPC according to the density that it is intended to serve. Provided that all other guidelines and standards for a Residential Planned Unit Development have been approved, the MAPC may consider up to a maximum of forty (40) Residential Family Living Units or Residential Dwelling Units to be served by a cul-de-sac.
- (h) Provided that all other guidelines and standards for a Residential Planned Unit Development have been approved, the MAPC may consider a loop street as a private street. The MAPC may consider up to a maximum density of eighty (80) Residential Family Living Units or Residential Dwelling Units to be served by a loop street.
- (i) All of the traffic laws as prescribed by the Code of Ordinances of the City of Jonesboro, Arkansas, shall apply to private streets as well as public dedicated streets in a Residential Planned Unit Development. When private streets are permitted within a Residential Planned Unit Development the applicant shall submit protective covenants for said development. The covenants shall grant the City of Jonesboro the right to use all private streets for purposes of providing fire and police protection, sanitation service, and any other of the municipal functions. The covenants shall further grant the Jonesboro Police Department the right, after City Council approval, to order the placement of traffic control signs and/or devices on private as well as public dedicated streets within a Residential Planned Unit Development.
- (j) The MAPC shall have the right to require an applicant to either reduce, or to increase the number of

entrances and exits, or combination thereof, for a proposed Residential Planned Unit Development when in the opinion of the MAPC an excessive or an inadequate number of entrances and exits as proposed by the applicant would adversely effect the traffic safety of the public. The MAPC shall also have the right to require an applicant to relocate an entrance of exit, or combination thereof, when said entrance or exits proposed would create obvious traffic hazards. The MAPC may request a written recommendation from the safety officer of the Jonesboro Police Department prior to rendering a final decision.

(k) Corner visibility. The point where two street right-of-ways join along the outer perimeter of said right-of-ways shall form a point of intersection. A distance of fifty feet (50') away from the point of intersection in each direction from said point along a parallel to the outer perimeters of the street right-of-ways will form a point along each street right-of-way. These two points when jointed with a straight line shall form a triangular area that shall be kept clear of any building, structure, fence, commercial signs, subdivision signs, parking areas, trees, shrubs, or any other obstructions that would impede the visibility for traffic approaching the intersection. The restrictions to insure corner visibility shall apply equally to parkway areas along the approach to a street intersection for a distance of fifty feet (50') before reaching the point of intersection

(l) Any street within a Residential Planned Unit Development that directly connects two or more public dedicated streets shall be constructed to existing city standards and shall be dedicated as a public street.

#### Section 16: Density Standards, Residential Planned Unit Development:

A. The following density standards shall be used by the MAPC in reviewing a proposal for a Residential Planned Unit Development.

(a) Low Density - a maximum of seven (7) residential family living units per net acre.

(b) Medium Density - a maximum of twenty four (24) residential dwelling units or residential family living units, or combination thereof, not to exceed a total twenty four (24) units per net acre.

(c) High Density - a maximum of forty (40) residential dwelling units or residential family living units, or combination thereof, not to exceed a total of forty (40) units per net acre.

(B) The maximum allowable densities for a proposed Residential Planned Unit Development to be constructed within one of the following residential zoned areas are as indicated for each zoned areas.

(a) Residential One (R-1), low density.

(b) Residential Two (R-2), low density or medium density.

(c) Residential Three (R-3), low density, medium density, or high density.

C. A Residential Planned Unit Development proposed to be constructed within a commercial zoned area may request approval to develop at a low, medium or high density. However, the MAPC, at the time of Preliminary Development Plan review, may impose a lesser density than requested. The MAPC shall base their considerations of allowable density on one or more of the following considerations.

(a) If the parcel of commercial area under consideration is raw and undeveloped land, or primarily undeveloped, in what order will development begin first, commercial or residential.

(b) The zoning of property on the perimeter of a Residential Planned Unit Development remaining should the proposal be approved.

(c) The potential development possible by virtue of existing zoning on properties abutting the perimeters of a proposed Residential Planned Unit Development.

(d) The developers proposal to provide separation or screening from existing or potential development.

(e) The density and intensity of existing development on the outer perimeters of the proposed Residential Planned Unit Development.

(f) The developer's proposal to provide separation and or privacy to properties on the outer perimeters of a proposed Residential Planned Unit Development that are zoned as residential and developed primarily as

detached single family dwellings. Those properties that are undeveloped by have the same potential for like development by existing zoning shall receive the same considerations as those properties that are developed. (g) The adequacy of existing and proposed streets to provide traffic flow, ingress and egress to and from the proposed Residential Planned Unit Development, emergency access and municipal services.

D. The allowable densities for proposed Residential Planned Unit Developments outside the city limits, but within the area of jurisdiction of the Metropolitan Area Planning Commission, shall be determined by the MAPC at the time of Preliminary Development Plan review. The applicant may submit a request to develop at a density of low, medium or high density. However, the MAPC may impose a lesser density than requested by the developer based on one or more of the following considerations.

- (a) Existing or potential development on the outer perimeters of the proposed Residential Planned Unit Development.
- (b) The ability to provide essential service such as water, gas, electric power, and sanitary sewers.
- (c) The proximity of the proposed development to the city limits of the City of Jonesboro. Arkansas.
- (d) The applicant's proposal to provide screening or separation from existing development or potential development.
- (e) The adequacy of existing and proposed streets to provide traffic flow, emergency access and egress to and from the proposed Residential Planned Unit Development.

Section 17: Maximum Coverage.

A. That MAPC shall review specific proposed building coverage in accordance with the following specific guidelines.

- (a) Residential family living units 35%
- (b) Residential dwelling units, medium rise, three to five floors 40%
- (c) Residential dwelling units, high rise, six plus floors 50%

Section 18: Setback areas, External Perimeter.

A. The following guidelines shall be used to evaluate building setbacks along the external perimeter of a Residential Planned Unit Development within the following zoned areas.

- |         |             |         |            |
|---------|-------------|---------|------------|
| (a) R-1 | 30' to 35'  | (e) C-2 | 30' to 50' |
| (b) R-2 | 25' to 30'' | (f) C-3 | 30' to 50' |
| (c) R-3 | 20' to 25'  | (g) C-4 | 30' to 50' |
| (d) C-1 | 30' to 50'  | (h) C-5 | 30' to 50' |

B. The setback area along the external perimeter of a Residential Planned Unit Development may be used to satisfy open space requirements provided that a minimum of fifty percent (50%) of that area is landscaped. The remaining portion of the setback area may be used to satisfy required vehicle parking requirements provided that the limitations as imposed by Section 14A (k) are complied with.

C. Building set back from streets (residential zoned sites)

- (a) Building setbacks from a public dedicated street right-of-way abutting or within a Residential Planned Unit Development whose site is zoned Residential One (R-1), Residential Two (R-2) or Residential Three (R-3), shall require the following minimum building setbacks as indicated for each specific zoning classifications.
- (b) Residential One (R-1) 30 feet
- (c) Residential Two (R-2) 25 feet

(d) Residential Three (R-3) 20 feet

D. Building setbacks from streets (commercial zoned sites)

(a) Building setbacks from a public dedicated street right-of-way abutting or within a Residential Planned Unit Development whose site is zoned Commercial One (C-1, Commercial Two (C-2), Commercial Three (C-3), Commercial Four (C-4), or Commercial Five (C-5), shall require building setbacks to be established utilizing the following guidelines for each of the following zoning classifications.

- (b) Commercial One (C-1) 15' to 30 feet
- (c) Commercial Two (C-2) 15' to 30 feet
- (d) Commercial Three (C-3) 30' to 50 feet
- (e) Commercial Four (C-4) 30' to 50 feet
- (f) Commercial Five (C-5) 30' to 50 feet

E: In order to provide design flexibility, a minimum building setback is not established from street right-of-ways approved by the MAPC as private streets. This provision shall apply to Residential Planned Unit Developments regardless of the zoning classification of the site. Depending on the zoning classification of the site under consideration, the MAPC shall have the discretion to impose building setbacks from approved private street right-of-ways to the maximum building setback guidelines as set forth in Section 18C pertaining to residentially zoned sites or Section 18D pertaining to commercially zoned sites.

F. The MAPA may reduce the minimum building setbacks from public dedicated street right-of-ways as required in Section 18C (a) of up to ten (10) feet for each zoning classification listed when required parking spaces are provided to the rear of the structure, or provided in off street common parking areas. The granting of a reduction in said setbacks shall not reduce or waive any other requirements of the Residential Planned Unit Development Ordinance.

G. Building Separation

(a) Internal spacing between structures shall be a minimum of ten (10) feet, measured to the nearest point of structure.

H. Side Yards

(a) In Residential Planned Unit Developments whose concept does not include individual platted lots conveying property outside the living units to individual owners or occupants, there shall be no minimum requirements for rear yards when the structure is in compliance with all setbacks as required by this ordinance and common usable open space is provided in accordance with Section 19, Open Space Guidelines.

(b) In Residential Planned Unit Developments whose concept includes individual platted lots conveying property outside the living units to individual owners or occupants, a minimum square footage of five hundred (500) square feet of private usable open space shall be provided on each lot to the rear of the principle structure. In no case shall the minimum depth of the rear yard be less than ten (10) feet at any point from the structure to the rear lot line.

(c) In instances where rear lot lines of an individual platted lot within a Residential Planned Unit Development abut a street right-of-way the applicable provisions of Section 18 C, D, or E shall apply.

(d) In instances where any portion of an individual platted lot is within the external perimeter of a Residential Planned Unit Development, the building setback shall be as determined by the applicable guidelines of Section 18 A.

Section 19: Open Space Guidelines

A. Common usable open space or private usable open space shall be evaluated utilizing the following guideline.

- (a) A minimum of fifteen percent (15%) of the gross Residential Planned Unit Development area shall be designated as common usable open space or private usable open space.
- (b) Recreation facilities or structures and their accessory uses located in common areas shall be considered as open usable space as long as the total impervious surfaces such as paving and roofs constitute no more than ten percent (10%) if the total open space.

Section 20: General Provisions:

- A. The, MAPC Assistant shall file one copy of each approved final development plan for Residential Planned Unit Developments in the office of the Circuit Clerk, Craighead County Courthouse, Jonesboro, Arkansas. The copy for filing shall bear a signed and dated stamp of the MAPC and shall be filed within thirty days from the date of approval by the MAPC.
- B. There shall be no deviations from an approved final development plan for a Residential Planned Unit Development unless an amended plat is submitted to and approved by the MAPC.
- C. When any easement or public dedicated street right-of-way is proposed to be relocated, abandoned, or changed from that which was approved on the final development plan, the applicant shall be responsible to secure letters from all public utilities having service responsibility, or right to extend services, stating that said utilities have no objections to the applicants proposal, or that said utilities are aware of said proposals and the date, time, and place of meeting where said proposals are to be submitted to the MAPC for approval of an amended plat. The applicant shall present said required letters from the public utilities at the time an amended plat is submitted as an item of agenda for the MAPC. The MAPC Assistant shall file one copy of an approved amended plat in the office of the Circuit Clerk, Craighead County Courthouse, Jonesboro, Arkansas. The copy for filing shall bear a signed and dated stamp of the MAPC and shall be filed within thirty days from the date of approval by the MAPC.
- D. Fire separation between Residential Family Living Units or Residential Dwelling Units herein a Residential Planned Unit Development shall be provided by the minimum requirements as follows.
  - (a) Fire separation wall shall provide not less than two (2) hours fire resistance. Plumbing, piping, ducts, electrical or other building services shall not be installed within or through the two (2) hour wall unless such materials and methods have been tested in accordance with the provisions of the current edition of the Building Code as adopted by the City of Jonesboro, Arkansas.
  - (b) Such fire separation wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least one (1) hour fire resistance for a width not less than four (4) feet on each side of such wall.
  - (c) Each Residential Family Living Unit or Residential Dwelling Unit sharing such separation wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.
  - (d) The fire separation requirements of Section 20, D., (a), (b) and (c) shall be considered as minimum requirements. In cases where the building code requirements are more restrictive the provisions of the building code shall apply.
- E. All premises where buildings or portions of buildings are located more than one hundred fifty (150) feet from a public dedicated street providing access to such premises shall be provided with approved fire hydrants connected to a water system capable of supplying the fire flow required by the Fire Official. The location and number of such hydrants shall be as designated by the Fire Official so as to have a hydrant available within five hundred (500) feet of any building within the Residential Planned Unit Development.
- F. The MAPC may impose as a condition of approval that the applicant, at certain designated and dimensioned areas within a Residential Planned Unit Development, be required to provide a buffer zone at the

designated areas. The buffer zone may be required to provide privacy, separation by distance, concealment, or a combination thereof. The MAPC may require that one of the following, or a combination thereof, be provided by the applicant to establish a buffer zone. A fence of materials and height as determined by the MAPC, additional setbacks in specified dimensions over and beyond the required setbacks, or landscaped areas as specified.

G. The filing fee for a proposed Residential Planned Unit Development shall be paid by the applicant upon submittal of the preliminary development plan to the MAPC for review. The filing fee shall be sixty dollars (\$60.00) plus one dollar and fifty cents (\$1.50) for each dwelling unit proposed. The filing fee shall be non refundable regardless of MAPC action or not action. The MAPC assistant shall bill the applicant for all costs incurred for the placement of legal ads for notices of public hearing as required by Section 8 (B) of this ordinance.

H. Home occupations(s), as defined in Section 2(y) this ordinance, are limited in order to insure the privacy of the occupants within a Residential Planned Unit Development. Any home occupation creating noise, dust, smoke, odor, or vibrations shall be prohibited. Any permitted home occupation shall be restricted to operation only between 9A.M. and 9 P.M., Monday through Friday.

I. Signs. No signs or advertising displays are permitted within a Residential Planned Unit Development except that one sign not exceeding four square feet in area may be erected to advertise the premises for sale or rent.

ADOPTED; this \_4<sup>th</sup> day of January, 1982.

J. Each residential family living unit or residential dwelling unit within a Residential Planned Unit Development shall have independent utility services completely independent of any other units to the serving utility service point. The exception being those units in a Residential Planned Unit Development provided with a property owners association that assumes full responsibility for all maintenance of utility services to the serving utility service point. The exception as stated shall not preempt any rules, regulations, or policies of any utility serving a Residential Planned Unit Development.

K. The Residential Planned Unit Development designation shall not be extended to any structure, apartment, or multi-family dwelling unit whose building permit was issued after the date of enactment of the Residential Planned Unit Development Ordinance, exception being in instances where said dwelling units are submitted in accordance with the provisions of the Residential Planned Unit Development Ordinance and approved by the Metropolitan Area Planning Commission.

L. The residential Planned Unit Development designation shall not be extended to any structure, apartment, or multi-family dwelling unit existing at the time of enactment of the Residential Planned Unit Development Ordinance, exception being in instances where said dwelling units are submitted in accordance with the provisions of the Residential Planned Unit Development Ordinance and approved by the Metropolitan Area Planning Commission.

PASSED and ADOPTED this 4<sup>th</sup> day of January, 1982.