

Article 16

Planned Unit Development District

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16.100 Purpose and Objectives

1. The purpose of the PUD regulations is to provide developers with greater flexibility in designing a development by offering relief from compliance with conventional zoning district's site and design requirements.
2. The objective of the PUD regulations is to promote the efficient use of land and resources.

16.101 Permitted Uses

1. A PUD District may be approved for any residential, commercial, industrial, public, or institutional use, or combination of these uses (mixed-use development.) The uses permitted in any specific PUD District may be any "uses permitted" or "conditional uses" listed in any conventional zoning district contained in this ordinance.

16.102 Standards for Planned Unit Development

1. Comprehensive Plan. A Planned Unit Development must conform to the objectives of the Comprehensive Plan of St. Marys.
2. Compatibility. The uses permitted in a Planned Unit Development must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.
3. Net Density. The net density of the Planned Unit Development is not required to precisely correspond with the normal net density of a traditional zoning district, but instead should reflect complementary building types and architectural design. The Planning Commission shall determine net density and floor area through the conceptual site plan review.

4. **Site Ownership.** The Planned Unit Development site shall be under a single ownership or unified control. Unified control shall mean that the various owners of adjacent sites join to submit a unified application for a PUD.
5. **Space between Buildings.** The spaces between buildings shall be consistent with the building setbacks as specified in the conventional zoning district articles for the type of uses being proposed (residential, commercial, industrial). The Planning Commission has the authority, during the conceptual site plan review, to allow deviations from the setbacks as appropriate for the type of PUD being proposed.
6. **Setbacks.** The minimum required setbacks along the periphery of the PUD shall be equal in width or depth to that of the adjacent zoning district.
7. **Parking Standards.** Adequate parking shall be provided and shall be in general conformance with the parking regulations provided for in Article 20 unless changes are warranted by the particular characteristics of the proposed Planned Unit Development.
8. **Traffic.** The PUD must incorporate adequate provisions to provide ingress and egress designed to minimize both internal and external traffic hazards and congestion.
9. **Design Standards.** The PUD may depart from strict conformance with this ordinance to the extent specified in the Conceptual Plan (described below) approved by the City Commission.

16.103 Procedures for Planned Unit Development

1. **General.** Approval of a Planned Unit Development proposal shall follow the procedures used for a change to the official zoning map as outlined in Article 4.
2. A Conceptual Plan shall be submitted concurrent with the request for rezoning to a PUD District. The conceptual plan shall meet the requirements of Article 16, "Planned Unit Development District".
3. **Processing Procedures.** The following steps are required in processing all Planned Unit Developments:
 - a) **Pre-Application**
 - i. **Intent.** The intent of the pre-application process is for the applicant to obtain a general awareness of the requirements contained in the City's Comprehensive Plan and the Uniform Development Code, and the boundaries of the zoning districts as specified on the Zoning Map.
 - ii. **Pre-application Conference.** Prior to the filing of an application for approval of a PUD, the prospective applicant may request an informal informational meeting with the Planning Commission to discuss the proposed development. The meeting shall be

conducted at a regular or special meeting of the Planning Commission for the purpose of exchanging information; no formal action will be taken by the Planning Commission at the meeting.

- iii. Pre-application Document Review. Prior to filing an application for approval of a PUD, either before or after the Pre-application Conference, the prospective applicant should review the Zoning Map, the Comprehensive Plan, and the Uniform Development Code in order to determine the consistency of the proposal to the particular documents aforementioned.

4. Conceptual Plan and Preliminary Plat Procedure.

- a) Intent. The intent of the Conceptual Plan Submission is to obtain the approval of the City for the development of a parcel of land in accord with the plans, programs, and schedule submitted as this part of the Planned Unit Development application. The Conceptual Plan shall be prepared so as to serve in lieu of a preliminary plat. At this stage, the applicant is explicitly committing the subject property to a specific arrangement of land uses at a specific range of densities or intensity. In return the applicant is receiving through rezoning for a Planned Unit Development, a City Commission commitment that, following conceptual plan approval, the applicant can proceed to subsequent steps of the Planned Unit Development procedure with assurance that if the agreed to concept is carried forth, final plan and plat approval will be granted.
- b) Procedure. A request for approval of a Conceptual Plan/Rezoning, as a step in the Planned Unit Development procedure, shall be submitted to the Zoning Administrator and subsequently shall be referred to the Planning Commission for public hearing, review, and recommendation.
- c) Hearing. Within 60 days of the application submittal to the Zoning Administrator, the Planning Commission shall hold a public hearing on the application for a Planned Unit Development Conceptual Plan/Rezoning in accord with the procedures established for public hearings in Article 4.101.
- d) Review Time. Following the public hearing and review of the Conceptual Plan submission, the Planning Commission shall within sixty (60) days, unless an extension is requested by the applicant in writing, recommend approval, modification, or disapproval of the Conceptual Plan/Rezoning, and the reasons therefore, or indicate why a report and recommendation cannot be forwarded to the City Commission.
- e) City Commission Review. The City Commission, after receipt of the Conceptual Plan/Rezoning from the Planning Commission, shall approve, disapprove, or return the proposal to the Planning

Commission for additional review within sixty (60) days, unless an extension is requested by the applicant. In the case of approval, the City Commission shall pass an ordinance approving the Conceptual Plan. This ordinance shall provide for a change in the official City Zoning Map indicating that the subject site is approved for a Planned Unit Development. If the City Commission returns the application to the Planning Commission with specific recommendations for change, and such changes are not made by the Planning Commission, or the changes made by the Planning Commission are not in agreement with what the City Commission wanted, the City Commission may, consistent with the requirements of this ordinance, modify, add conditions, or impose specific limitations as necessary to protect public health, safety, and welfare.

5. Final Development Plan and Final Plat Approval

- a) Purpose. The purpose of the Final Development Plan and Plat is a precise plan of development that shows the exact location of facilities, arrangement of streets and lots, open space and common areas, and the final survey description.
- b) Procedure. The Final Plat shall be submitted as a Planned Unit Development Plat and shall conform substantially to the Conceptual Plan as approved and, if desired by the applicant, may be submitted in stages with each stage reflecting the approved Conceptual Plan; provided that each stage submitted conforms to all requirements of these regulations.
- c) Submission. Submission of the items required of a Final Development Plan and Plat petitioner as identified under the "Submission Requirements" Section of this Article (see Section 16.104) shall be made to the Zoning Administrator for certification that the Final Development Plan and Plat is in conformance with said requirements.
- d) Review. The Planning Commission shall review the Final Development Plan and Plat within sixty (60) days after submission unless an extension is requested by the applicant.
- e) City Commission. The City Commission, after receipt of the Final Development Plan and Plat from the Planning Commission, shall approve, or disapprove the Final Development Plan and Plat within a period of sixty (60) days, unless the applicant requests an extension. The City Commission shall base its review on the sufficiency the dedications and/or reservations offered by the applicant. If approved, the City Commission shall sign the plat and send it to the Register of Deeds for recording.

16.104 Conceptual Plan & Preliminary Plat Submission Data

1. Pre-Development Stage.

- a) Application. A written application for a Planned Unit Development shall be submitted on forms supplied by the Zoning Administrator.
- b) Fee. All required fees shall accompany each application.
- c) Special expertise. If the Zoning Administrator believes that special expertise (such as planning, engineering, and architectural consultants) is needed to properly review the PUD application, the applicant shall be so notified and given the opportunity to make such expertise available to the city at his own expense. Should the applicant challenge the requirement, the matter will be referred to the Planning Commission for consideration in an open meeting. Within 30 days of the applicant making the challenge, the Planning Commission shall consider the matter in an open meeting and make a recommendation to the City Commission as to the necessity of having the special expertise be made available to city staff. Within 30 days of receiving the Planning Commission's recommendation, the City Commission shall make a decision in open meeting as to whether or not the applicant must, at his expense, make available to the city the requested special expertise. If the City Commission decides that the special expertise is required, and the applicant refuses to pay the costs of retaining the special expertise, the City Commission shall summarily disapprove the PUD District application.
- d) Notification List. A list of the names and addresses of owners of all property situated within two hundred (200) feet of the property lines of the subject site shall be submitted to the Zoning Administrator by the applicant. The list shall have been compiled within 15 working days of the date of its submission to the Zoning Administrator. Persons appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. In addition, as they may exist, the responsible fire protection district(s), affected school districts, affected park districts, and affected sanitary and/or drainage districts shall appear on the notification list. Additional parties, specified by the applicant, may appear on the notification list.
- e) Ownership. A statement of present and proposed ownership of all land within the development shall be submitted to the Zoning Administrator.
- f) Legal Description. A legal description of the subject site shall be submitted to the Zoning Administrator.

- g) Number of Copies. At the time of the public hearing on the Conceptual Plan, eight (8) copies, and all subsequent listed information, shall be submitted (with the exception of non-reproducible exhibits.) Failure to submit any of the required information, without a specific written waiver from the Planning Commission, shall constitute grounds for dismissal of the PUD application. The waiver of specific Conceptual Plan submission elements may be requested of the Planning Commission, in writing, at the time the PUD Conceptual Plan application is submitted to the Zoning Administrator. Specific grounds for the waiver must be stated by the applicant. The Planning Commission shall consider the waiver request at its next regularly scheduled meeting following submission of the waiver request by the applicant, or at a special meeting. The applicant shall have the opportunity to address the Planning Commission regarding the waiver request should he so request, and discuss the matter with the Planning Commission. Upon the Planning Commission's decision regarding the waiver request, the public hearing will be scheduled.
- h) Conceptual Plan and Plat. A drawing of the Planned Unit Development shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall provide sufficient information to illustrate the concept of the development, including (as applicable) but not limited to: overall land use patterns, general traffic and pedestrian circulation flows, open spaces and/or parks, major features of the development, and a list of proposed restrictions, conditions, and covenants.
- i) The Plan must include:
- i. Boundary lines and dimensions of the subject site.
 - iv. The general location and purpose of existing and proposed easements.
 - ii. Streets on, adjacent to, or proposed for the tract, including all rights-of-way and pavement widths.
 - iii. Land use patterns proposed for the subject site.
 - iv. Map data to include:
 1. Name of development.
 2. Name of site developer.
 3. North point.
 4. Scale
 5. Date of preparation.
 - v. Site Data. A list of pertinent site data, as applicable to the site, including;

1. Description and quantity of land uses.
 2. Acreage of site.
 3. Number of dwelling units proposed.
 4. Area of industrial, commercial, institutional, recreational, and number of buildings proposed.
 5. Schedule. Development schedule indicating:
 6. Stages in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the plat and through supporting graphic material.
 7. Approximate dates for beginning and completion of each stage.
 8. If different land use types are to be included within the Planned Unit Development, the schedule must include the mix of uses anticipated to be built in each stage.
- j) Environmental Information. Data identifying existing natural and environmental site conditions, including:
- i. Topography. A topographic map, if possible underlying the concept plan, at a minimum of ten (10) foot contour intervals.
 - ii. Flood Plain. Information from the most current source specified by the City indicating the location and extent of the regulatory flood plain.
 - vi. Information from the most current U.S. Department of Agriculture soil survey indicating the location and classification of soils on the land to be designated a PUD. Soil borings taken on the site may be substituted for the USDA soil survey data.
 - iii. A depiction of existing surface drainage patterns and proposed retention and detention areas.
- k) Utilities. Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site, or if well and septic systems are proposed, a statement from a licensed professional engineer indicating that the proposed development can be suitably served by such systems.
- l) Traffic Analysis. A study providing information on the existing road network, and vehicle volumes, and the effect the proposed Planned Unit Development will have on the existing (or improved) road network.

16.105 Final Plan & Final Plat Submission Data

1. Final Plan and Final Plat Submission Requirements.
 - a) An accurate legal description of the entire area under immediate development within the planned development.
 - b) A Planned Unit Development Plat of all lands which are part of the Final Plat being submitted, meeting all requirements for a Final Plat.
 - c) Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.
 - d) The final plan shall include all the information and signature blocks as listed in Article 8 "Planned Unit Development Site Plan Requirements".
 - e) Final Systems Plans. Final plans, with all required detail, shall be submitted, including:
 - i. Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as agreed to during the Preliminary Plat Stage).
 - ii. Lighting plans.
 - iii. Drainage and storm water retention and detention plans.
 - iv. Road plans, including curbs and gutters, on-site/off-site signalization, acceleration, deceleration lanes, etc.
 - v. Sidewalk, paths, and cycle trails.
 - vi. Landscape Plans. Plans showing the type and location of plant material, berms, and other aesthetic treatments.
 - vii. Public Facilities. An approved non-revocable letter of credit or surety bond to guarantee construction of required on site and or off site public facilities for the Planned Unit Development shall be a prerequisite to final approval of the final plat. The sub divider's bond or approved letters of credit, payable to the City of St. Marys, shall be sufficient to cover the full cost of the improvements plus ten (10) percent. Detailed construction plans shall be submitted for all public facilities to be built.
 - viii. Construction Schedule. A final construction schedule shall be submitted for that portion of the Planned Unit Development for which approval is being requested.
 - ix. Delinquent Taxes. A certificate shall be furnished from the appropriate County official that no delinquent

taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the Planned Unit Development have been paid.

- x. Covenants. Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Planned Unit Development shall be approved by the City and recorded at the same time as the Final Planned Unit Development Plat.

16.106 Changes and Amendments to a PUD

1. Development Concept.
 - a) The Planned Unit Development shall be developed only according to the approved and recorded Final Plan and Plat and all supporting data.
 - b) The recorded Final Plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Planned Unit Development project as set forth therein.
2. Changes. Changes and amendments may be made to the PUD in accord with the following schedule:
 - a) Major changes.
 - i. Changes which alter the concept or intent of the Planned Unit Development may be approved only by submission and reconsideration of a new Preliminary and/or Final Planned Unit Development Plat and supporting data and following the Preliminary or Final Plat procedure to include the following:
 - 1) Increases in density,
 - 2) Changes in the height of buildings,
 - 3) Reductions of proposed open space,
 - 4) Changes in the development schedule,
 - 5) Changes in road standards,
 - 6) Changes in the final governing agreements, provisions, or covenants.
 - ii. If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary Plan or Preliminary Plat stage, the resubmission must begin at the Preliminary Plat stage.
 - iii. If only Final Plat evidence or data is altered as a result of the major change, the resubmission shall begin at the Final Plat stage. If major changes are

proposed, a new public hearing shall be required during resubmission of the Preliminary or Final Plat.

- iv. All changes to the "original" Final Plat shall be recorded with the County Register of Deeds as amendments to the Final Plat or reflected in the recording of a new "corrected" Final Plat.
- b) Minor Changes. Changes that are deemed minor by the Planning Commission, and not listed above under major changes, may be initiated at any regular meeting after first being published on the agenda.
- c) Vesting. Vested rights to a PUD shall expire five (5) years after the date of final approval if electrical, sewer, and water utility systems have not been installed in the first phase of the Planned Unit Development.