

Article 9: Planned Unit Development

Section 201: Definition of a Planned Unit Development

A Planned Unit Development in these regulations is defined as one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose increased density or intensity of use and mixing of land uses. The development shall comprise an overlay district and shall be required to correspond in use, density, intensity, lot coverage, required common open space, or other standards to zoning use district requirements that are otherwise applicable to the area in which it is located.

Section 202: Goals of the Planned Unit Development Regulations

- A. Allow creativity in design by allowing developments that would not be possible under the strict application of Franklin County's Subdivision and Zoning Regulations.
- B. Encourage development that relates to the surrounding community and creates a sense of place.
- C. Permit flexibility in the application of land development regulations that will encourage innovative development and redevelopment for residential and nonresidential purposes by varying type, design, and layout of dwellings and other buildings and structures, thereby allowing mixed uses.
- D. Provide flexibility in placement, and clustering of buildings; use of open areas; provision of circulation facilities, including pedestrian facilities and parking; and related site and design considerations.
- E. Encourage the conservation of natural features, natural topography, wooded areas, agricultural land, areas of historical significance, and critical and sensitive areas.
- F. Encourage efficient use of land and other resources, by creating a more economic network of streets, utilities, public grounds, and other public facilities.
- G. Provide greater opportunities and variety in housing, employment, shopping, and recreational opportunities.

Section 203: General PUD Standards

- A. Any land use authorized under these Regulations may be included in a PUD, subject to the public health, safety, and welfare of area residents.
- B. The approval of the PUD may, if required, result in the rezoning of the parcel of land on which the development lies. The zoning map shall be updated to reflect the new zoning district(s).
- C. In order to be approved, PUDs shall demonstrate compliance with the following criteria:

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1. Development shall be consistent with the Franklin County Master Plan.
2. Development shall provide a benefit to the users of the project and the general community consistent with the goals stated in Section 202.
3. Development shall be in the best interest of the County and the developer and agreed to by both parties.
4. The proposed development shall not result in an unreasonable increased burden upon public services, facilities, roads, and utilities. Developer may propose a plan to minimize the burden on the surrounding infrastructure.
5. Development shall promote the health, safety, and welfare of Franklin County.
6. Development shall not result in an unreasonable negative environmental or economic impact on the surrounding property.
7. Development shall consist of at least 10 acres.

Section 204: Procedure for Review and Approval

A. Pre-Application Conference

Prior to submission of an application for approval of a Planned Unit Development, the applicant shall make an appointment to present a Sketch/ Concept Plan to the Planning and Zoning and Public Works staff. Staff shall do a preliminary evaluation of the Sketch/Concept Plan and discuss procedures, regulations, and options for the development. Sketch/Concept Plan shall contain the following information:

1. Map of the project area with existing topography, natural features, floodplains, existing structures.
2. Plans and presentation shall show or describe:
 - a. The character or type of development
 - b. Any proposed new zoning district(s), if applicable
 - c. The approximate location of development areas indicating areas of single family and approximate size of lots, commercial development, common use areas, public facilities, etc.
 - d. Approximate number of dwellings proposed and approximate number of non-residential buildings and general type of use

- e. Approximate proposed traffic circulation patterns for vehicles, pedestrians, or other modes of transport (roads, sidewalks, trails, bike paths, etc.)
- f. Approximate location of open space and conservation areas
- g. Statement of how PUD relates to surrounding area
- h. Other information that may be required to determine compliance with PUD regulations

B. Review Conference

Staff shall schedule a Review Conference to allow public agencies to review and comment on the Sketch/ Concept Plan and offer suggestions to the developer. The Planning and Zoning Office shall notify all applicable agencies of the time and purpose of this conference. In addition, any cities or counties located within 1.5 miles of the project area shall be invited to comment. Planning and Zoning Commissioners shall also be invited to attend. This shall be open to the public and shall be posted on the website; however, public notices shall not be sent out. No official vote shall be taken at this meeting.

C. Preliminary Development Plan

Applicant shall submit a Preliminary Development Plan within 6 months of the Review Conference. An additional meeting with the staff and/or an additional Review Conference is optional, but recommended. If Preliminary Development Plan is not submitted within 6 months, an additional Review Conference shall be required. The Preliminary Development Plan shall be placed on the agenda for the next eligible Planning and Zoning Commission meeting (plan must be submitted at least 30 days in advance of meeting). An advertisement shall be placed in the newspaper and notice shall be sent to all property owners within 600 feet of this property. The applicant shall submit three (3) 24 X 36 copies of the proposed plan, twenty (20) 11 X 17 copies of the plan, and a digital version of the plan.

The following information and documentation shall be required to be submitted with the preliminary plan:

1. Written documents:
 - a. Application
 - b. Warranty deed for property
 - c. Statement allowing this application if owner is different from applicant
 - d. Statement describing the planning objectives and character of the development, as well as an explanation for why this is being filed as a PUD

- e. A development schedule for phases, including an estimate for when construction for each phase will start and finish and what public facilities, such as common ground, sidewalks, trails, recreation areas, etc., shall be provided with each phase
 - g. A statement explaining how the PUD complies with the County's Master Plan
2. Items required on Preliminary Development Plan:
- a. Existing site conditions with contours at five foot intervals to include the location of all existing buildings and paved areas, as well as other natural and man-made features, and whether they will be retained or removed
 - b. Floodplains, streams, wetlands, and other natural features
 - c. The location and size of any areas to be conveyed as conservation easements, or to be dedicated or reserved as common open spaces, public parks, recreational areas, or other public use sites
 - d. Proposed lot lines and setbacks
 - e. Proposed new zoning districts, if applicable
 - f. Location, types, density, and intensity of proposed uses, common open space, public facilities, etc.
 - g. Approximate total floor area and maximum height of all residential and commercial buildings.
 - h. Architectural sketches showing the design and character of proposed structures.
 - i. Traffic circulation system including roads, parking areas, loading areas, and access points to other rights-of-way
 - j. A pedestrian and bike path circulation system, including trails and any proposed road crossing areas
 - k. The proposed utility system, including sanitary sewers, stormwater sewers, and water, electric, gas, and telephone lines, and facilities required for stormwater treatment
 - l. Preliminary landscape plan for the development including any screening or buffers

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- m. Proposed general grading and drainage patterns
- n. Signage and lighting plans
- o. Enough information about the surrounding properties to indicate how this property relates to its surroundings, including location of buildings on adjacent properties

D. Planning and Zoning Commission Decision

The Planning and Zoning Commissioners shall consider this application according to the PUD goals and standards as stated in Sections 202 and 203 of this Article. The Planning and Zoning Commission may take one of the following actions:

1. Approval. Approval shall constitute approval of the uses and the overall design concept as shown on the Preliminary Development Plan and shall confer upon the applicant the right to proceed with the preparation of the Final Plan. Approval of the Preliminary Plan shall not constitute rezoning of the property. If the PUD requires a rezoning, the Planning Commission shall inform the County Commissioners when a Preliminary Development Plan is approved.
2. Tabling. Upon finding that the Preliminary Development Plan does not meet the standards for a PUD, but could meet the criteria if revised, the Planning and Zoning Commission may table action until a revised Preliminary Development Plan is submitted. Specific instructions for revision of the Preliminary Development Plan shall be made to the applicant in writing. If a revised Preliminary Plan is not submitted within six (6) months of the action to table, the application for the PUD shall be considered null and void.
3. Denial. Upon finding that the Preliminary Development Plan does not and cannot meet the criteria for approval of a PUD, the Planning and Zoning Commission shall deny Preliminary Development Plan approval.

E. Final Development Plan

Within 1 year of approval of the Preliminary Development Plan, the applicant shall submit the Final Development Plan. If a Final Development Plan (or at least the initial phase) is not submitted by the applicant for final approval within 1 year, the Preliminary Development approval shall be null and void. The applicant shall submit three 24 X 36 copies of the proposed plan, twenty 11 X 17 copies of the plan, and a digital version of the plan. The applicant shall make no improvements to the site until after approval of the Final Development Plan.

The Final Development Plan shall include all information required in the Preliminary Development Plan, as well as the following information:

1. Location of all lot lines and setbacks
 2. Location, width, and surface of all roads, sidewalks, and trails
 3. Plot plans for each building site (A typical plot plan can be used for each type of single family dwelling. Plot plans shall show existing and proposed buildings indicating maximum and minimum distances between buildings, between buildings and property or building site boundaries, percentage of building coverage, and percentage of landscaping, and paved areas.)
 4. Preliminary elevations of all structures, drawn to scale
 5. Final landscape plan
 6. Parking and loading plan
 7. Fencing, trash, and recycling areas
 8. Information regarding stormwater detention
 9. Covenants and restrictions for development
 10. Conceptual approval from MoDOT or Franklin County Highway Department, if applicable
 11. Traffic study if development will create more than 100 peak hour trips
 12. Letters from applicable sewer or water districts acknowledging the development and agreeing to provide service
 13. Letter from bank (mortgage holder) acknowledging development
 14. Development Agreement (may be in draft form)
- F. Decision by Planning and Zoning Commission
1. If the PUD requires a rezoning, the Final Development Plan shall require a public hearing and shall be placed on the agenda for the next eligible Planning and Zoning Commission meeting. The plan must be submitted at least 30 days in advance of meeting. (If an applicant wishes to have the Final Development Plan heard at the meeting immediately following Area Plan Approval, the Planning and Zoning Department may show flexibility in administering this requirement.) An advertisement shall be placed in the newspaper and notice shall be sent to all

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property owners within 600 feet of this property. The Planning and Zoning Commissioners shall review the Final Development Plan to determine whether it is in general conformity with the Preliminary Development Plan. The Planning and Zoning Commission shall vote to recommend approval or denial of the Final Development Plan to the County Commissioners. As in Subsection D of this section, the Planning and Zoning Commissioners may also table their decision until a revised Final Development Plan is submitted.

2. If the PUD does not require a rezoning , the Final Development Plan shall be placed on the agenda for the next eligible Planning and Zoning Commission meeting (plan must be submitted at least 30 days in advance of meeting). This action shall not require a public hearing. Advertisement and public notice shall not be required. The Planning and Zoning Commissioners shall review the Final Development Plan for compliance with Sections 202 and 203 and determine whether the Final Development Plan is in general conformity with the Preliminary Development Plan. The Planning and Zoning Commission shall vote to approve or deny the Final Development Plan. As in Subsection D of this section, the Planning and Zoning Commissioners may also table their decision until a revised Final Development Plan is submitted.

G. Decision by County Commission (only for PUD with rezoning)

A decision by the County Commission shall only be required if the PUD requires a rezoning of the property. If this is the case, the County Commissioners shall consider the recommendation of the Planning and Zoning Commissioners and the regulations as stated in this article. They may vote to approve, table, or deny this request. If approved, the County Commissioners shall sign the final version of the Development Agreement.

H. Recording of Documents

Once approved, the Development Agreement and Final Development Plan shall be recorded with the Recorder of Deeds office. The portion of the Development Plan to be recorded may consist primarily of the lot layout and basic infrastructure. This shall be completed within 90 days of the approval of the County Commissioners or Planning and Zoning Commission, whichever is applicable.

I. Effect of the Final Development Plan Approval

Approval of the Final Development Plan shall result in rezoning the property to the requested zoning district(s) and the County Zoning Map shall be updated accordingly, if applicable. The Final Development Plan shall control the development of the PUD rather

than any other provisions of the planning and zoning regulations. Approval shall give the developer the right to improve the site according to the approved PUD plan.

J. Engineering and Construction Plans

After approval of the Final Development Plan, but prior to approval of the Final Plat, the applicant shall submit engineering and construction plans detailing the improvements that will be built within the subdivision. Information on plans shall be provided in accordance with Appendix A-II. Along with these plans, the applicant shall also submit TR-55 calculations for stormwater review of the site. The Planning and Zoning Department, the Public Works Director, and any consultants hired by the County for the project shall review these plans and provide written comments. If plans are in compliance with all regulations, final written approval of the Construction Plans shall be granted by the Planning and Zoning Department. Plans shall not be approved until all inspection fees are paid as required. No construction shall begin before Construction Plans are granted final written approval.

K. Final Plat

A Final Plat shall be submitted for each phase of the PUD. The Final Plat shall be approved if it is substantially similar to the Final Development Plan. The Final Plat shall include all the standard required items listed in Appendix A. In addition, the improvements for each phase shall be completed before platting or a performance guaranty shall be submitted, as described in Appendix G.

Section 205: Modifications to the PUD

Changes to be made to PUD after approval and recording of the Final Development Plan shall be in accordance with the following:

A. Minor Changes

Certain minor changes to the Final Development Plan may be approved administratively as long as they do not change the general character and purpose of the original Plan.

The following shall be considered minor changes.

1. Increase or decrease in the residential density by less than 5%
2. Increase or decrease in lot size by less than 5%
3. Increase or decrease in open space by less than 5%
4. Increase or decrease in building square footage by less than 5%
5. Minor layout changes due to unforeseen natural features of the property that do not affect the flow of traffic or other important elements of the development

B. Major Changes

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All other changes shall require a revision to the Final Development Plan. If portions of the PUD have been subdivided and sold, all the owners of the subdivided PUD may jointly apply for an amendment to the Final Development Plan. This shall require the approval of the Planning and Zoning Commission and may require the approval of the County Commission, as described in Section 204, except that the applicant need only re-submit the items to be modified.

Section 206: Revocation of a PUD

PUD Final Development Plan approval may be revoked after approval of the Planning and Zoning and/or County Commission in accordance with the hearing procedures in Section 204. Such revocation may be initiated by the owner of the property or by the Planning and Zoning Department if the development is in substantial violation of the required timeline or if building construction has not commenced within 5 years of final plat approval. Development shall be considered in compliance if there has been at least one building permit issued in the development within 5 years.