

# Decision Matrix

April 1, 2016

The St. Marys Municipal Code Sec. 110-68, (PD) Planned Development District and Article VII, Amendments of Chapter 110, Zoning are the guiding legislation for the Mill Site Rezone Application. Throughout the public process there has been interest in various concerns and how they will be addressed by the crafting of the new PD Ordinance.

In the Matrix below you will see the various concerns that have been raised throughout the process, along with where they can be found in the Special Conditions, the Planned Development Text & Plot Plan, the Special Use Permit (under the St. Marys Zoning Ordinance) and whether a Development Agreement might be necessary to mitigate impacts of development.

The newly created PD allows for various levels of control on any future development that will take place in the newly created District. If a new industry, commercial interest, or developer wishes to bring forward a project for any portion of the property, they must first provide a Site or Plot Plan for the intended use. That Plot Plan must still go before the Planning Commission and Council for approval, prior to any development or issuance of any building permit. The Special Conditions placed upon the development are the first level of control the City has at its disposal. The Land Use Districts, whether Port Industrial, Mixed Use or Conservation Area are the framework that work underneath the Special Conditions. Part of these Land Use Districts are the permitting of uses, by right of the district, called Permitted Uses, and those that demand a little more care, called Special Permit Uses. Finally, some concerns cannot be handled by the Zoning Ordinances, often items that may include timing, resources or exceptional details, these are spelled-out in a Development Agreement, a binding contract between the owner and the City.

These various components of a PD work together to allow for more flexibility for both parties, while at the same time allowing for more nimble control. For instance, if a developer wanted to build a Research Facility, which unfortunately produced noxious fumes or an objectionable odor beyond its boundaries, that facility, under our current zoning ordinance, would be permitted under a Light Industrial Permitted Use, but would need to conform under the Special Permit Uses due to the odor emitted. With the proposed PD language, and Special Condition 25, however, that odor would trump all other provisions within the PD Text and prohibit any facility that produces such odors.

If someone wanted to amend Special Condition 25, after the PD was approved, they would be subject to 110-68(b) Amendments to existing PD Districts, which is subject to Article VII, Amendments of the St. Marys Zoning Ordinance and would allow for amendments to the entire Planned Development District, not simply noise. Whereas, if Special Condition 25 was not included, the developer would go before the Planning Commission for a Special Use Permit under 110-145, limiting the scope of the discussion to the noise. In other words, the Decision Point is whether the City is comfortable with the provisions already in place under 110-73(b) and 110-145, which allow Planning Commission and Council oversight through the Special Permit procedures, or should the City require a more broad statement, as in Special Condition 25.

If that same Research Facility wanted to develop, yet wasn't going to produce noxious fumes, they would simply provide a Plot Plan and go before the Planning Commission and City Council for approval, which meets all Special Conditions set forth herein, the applicable portion of the Zoning Ordinance, Subdivision Regulations and any development agreement.

On the other hand, if someone wants to develop that same Research Facility, and in fact is going to be the sole developer of the entire site, it is only the Special Conditions of 7 and 19, with possibly a

Development Agreement that would provide for a multi-use path and public access to the rookery observation blinds, since the current zoning ordinance or the PD Text & Plot Plan does not provide for such improvements.

## Decision Matrix

Concern	Special Condition	PD Text & Plot Plan	Special Use	Development Agreement
“Old School” Smokestack Industrial	6, 14, 17, 18,	see 110-73(a)(2)	see 110-73(b)2, 110-145	
Dredging	23			
Outdoor Storage	6, 10, 14, 18, 22, 33	see IP Tract, 110-73(a)2		
Laydown Yard	6, 10, 14, 18, 22, 33	see IP Tract, Marine Facilities & Storage Facilities		
Rookery Conservation	10, 17, 19, 20, 21	see CA Tract		Possible Conservation Easement
Traffic Control	7, 8, 30			Possible Studies & Improvements
Wood Processing	14	see 110-73(a)(2)	see 110-73(b)2, 110-145	
Fossil Fuel Exploration	24			Possible Agreement
Waste	6, 14,	see 110-73(a)(2)		Possible Agreement
Height	3, 26		see 110-145	Possible Agreements on Emergency Services
Buffers	10, 15, 27	see 110-92,	see 110-73(b)2, 110-68 General Design Criteria	
Entries	15, 27			Possible Agreement
Noise	31	see Chapter 46, Article II, Nuisances, 110-73(a)(2)	see 110-73(b)2	
Odor	25	see 110-73(a)(2)	see 110-73(b)2	
Lighting	16	see 110-73(a)(2)	see 110-73(b)2	

Concern	Special Condition	PD Text & Plot Plan	Special Use	Development Agreement
City Resources	5, 7, 12, 30,			Possible Agreement
Site Clean-up	2, 17, 27, 28			Possible Agreement
Timing of Development	13, 17, 27, 28,			Possible Agreement
Multi-use Path	7,			Possible Agreement
Public Access	7, 19			Possible Agreement
Rookery Observation Blinds	19,			Possible Agreement
Special Use Transferable	1			
Hazardous Materials	10, 14, 18,	see 110-73(a)(2)	see 110-73(b)2	
Parking	8	see 110-68, General Design Criteria, 110, Article IV		
Maritime Heritage District	4	see 110-78, MHD		
Sludge Pond Conservation	20			Possible Agreement
Wetlands	21			
Barge Limit	22			Possible Agreement
Naval Vessels	29			Possible Agreement