

# SILVER BAY CITY CODE

## CHAPTER 12 AMENDMENT

The City Council of the City of Silver Bay ordains as follows:

Chapter 12 of the City Code is amended by adding Section 1241 establishing

Planned Unit Development Standards.

### **Section 1241 - Planned Unit Development Standards and Criteria (P.U.D.)**

**1241.01 Goal.** It is the goal of these standards and criteria to provide uniform standards for the optimization of development opportunities and maximum environmental protection on any given planned unit development site.

**1241.02 Definition.** For the purpose of these guidelines, a planned unit development will be defined as: multiple residential or commercial dwelling units including but not limited to townhomes, condominiums, motels, hotels, resorts and related commercial activities, consisting of five or more units with a maximum density of four units per acre.

**1241.03 Design Criteria.** Structures, parking areas, and other facilities must be designed and placed to reduce visibility as viewed from Lake Superior, roads and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, lead-on conditions.

**Subd. 1 Location.** Units, recreation facilities, and commercial uses must be clustered into one or more groups and located on suitable areas of the development site.

**Subd. 2 Open Space.** At least 50% of the development area must be provided for open space for the users and residents of the development.

Road right-of-ways, land covered by road surfaces, parking areas, units, structures, except water-oriented accessory structures or facilities are considered developed areas and should not be included in the computation of minimum open space. This 50% open space dedication must be filed as a restriction against the property. At least 25% of the lot width at the structure setback line should be left as open space. The appearance of open space areas, including topography, vegetation, and allowable uses must be preserved, by the use of restrictive deed covenants, permanent easements, public dedication and acceptance, or other equally effective and permanent means. Areas with physical characteristics unsuitable for development in their natural state, such as wetlands or areas containing significant historical sites shall be considered open space.

**Subd. 3. Minimum Units.** Each development shall be no less than five units and a lot area of two acres, and must provide another 10,000 square feet of lot area per additional unit. The development shall have no more than four units, including related commercial activities, per acre.

**Subd. 4. Parking.** The development shall provide at least one and one half parking spaces per unit, and one parking space for each non-resident employee, and for each 5 seats of seating capacity for restaurants and bars. Space for loading and unloading vehicles shall be provided for buildings used for commercial purposes.

**Subd. 5. Public Access.** The development must also provide access to developed public roads.

#### **1241.04 Sewage Disposal Standards.**

**Subd. 1 Systems Centralized.** On-site water supply and sewage treatment systems must be centralized and designed, installed and operated to meet or exceed applicable standards or regulations of the Minnesota Pollution Control Agency (MPCA) and Lake County regulations..

**Subd. 2 Location.** On-site sewage treatment systems must be located on the most suitable areas of the development.

**Subd. 3 Public Systems.** Public water and sewage service must be used where available.

**Subd. 4 Permit Required.** Developments which produce 5,000 gallons of sewage per day or contain more than 15 units require a MPCA State Disposal System permit. This would result in an average flow rate of 333 gallons per unit per day.

**Subd. 5 Capacity.** The potential person capacity of a dwelling shall be used to determine the potential gallons generated which in turn shall dictate the appropriate system(s) that should be utilized by the proposed development. Local and state standards and regulations apply and should be consulted.

**Subd. 6 Water Conserving Plumbing Required.** All new units must utilize water conserving plumbing fixtures and have water meters installed and accessible which serve all sewage generating appliances.

**Subd. 7 Sewage Disposal System Required.** No occupancy of any unit or use of any commercial structure of any planned unit development shall be allowed until the appropriate sewage disposal system is in place and fully operational.

## **1241.05 Plan Approval**

At the time of application, planning, and scheduled development, the proposed facility shall be under unified control or ownership. The applicant will provide a detailed development plan which shall include a description of:

**Subd. 1 Property Features.** The property under consideration, including property boundaries, contours, on-site features, roads, lakes, rivers and other relevant features.

**Subd. 2 Building Features.** Building elevations, location on site, proposed uses, number of units, and commercial operations.

**Subd. 3 Concept statement.** A concept statement, describing the project.

**Subd. 4 Parking.** Parking areas and driveways for both residences and commercial activities, vehicle loading/unloading areas, proposed public road entrances, and projected traffic generation of the proposed development.

**Subd. 5 Plan for Final Development.** Proposed phasing of the final development.

**Subd. 6 Operation of Project.** Description of how the project will operate after completion.

**Subd. 7 Ownership.** Nature of proposed ownership after completion.

**Subd. 8 Fire Protection.** Proposed fire protection.

**Subd. 9 Association Agreements.** Proposed homeowner, association agreement, where applicable.

**Subd. 10 Landscape Plan.** Detailed landscape plan which shows existing vegetation and proposed alterations and new plantings and landscaping.

**Subd. 11 Recreation.** Recreational space location and use.

**Subd. 12 Water Supply.** Water sources and water supply system plans.

**Subd. 13 Sewage System.** Proposed sewage treatment system plans.

**Subd. 14 Storm Water System.** Storm water runoff plans (construction/operation).

**Subd. 15 Erosion Control. Shoreline.** Erosion control plan for shoreline, where applicable.

**Subd. 16 Erosion Control Site.** Erosion control plan for site (construction/operation).

**Subd. 17 Proof of Permits.** Evidence of application for appropriate permits, state and federal.

**Subd. 18 Public Utilities.** Evidence of availability of necessary public utilities.

**Subd. 19 Financial Plans.** Proposed financial plans and necessary performance bonds or escrow agreements to protect the local unit of government's financial liability for site restoration, landscaping and erosion control measures, and sewage treatment systems.

**Subd. 20 Conformance with adjacent property/other information.**

The proposed development plan will demonstrate that the development will conform with adjacent development and be screened from the lake, adjacent roads, and adjacent properties. Any other information deemed to be necessary by the Planning Commission or Zoning Office will be provided by the applicant. Plan modifications or special conditions or performance standards may be required.

**Subd. 21 Platting Required.** All property within a Planned Unit Development shall be platted pursuant to the applicable subdivision provisions of Chapter 11 and Minnesota Statutes Chapter 550. Plats, including preliminary plats, shall be prepared by a licensed surveyor.

**1241.06 Processing Costs.** The owner of the property to be developed or the developer shall pay all processing costs incurred by the City, including but not limited to fees and expenses of consulting engineers, architects, Building Inspector or the Zoning Officer.

**1241.07 Development Costs.** The owner of the property to be developed or the developer shall pay all costs of the development, including but not limited to streets, sidewalks, sewer and water facilities, or extension of any public water and wastewater treatment systems to the development area.

**Repeal: Chapter 12, Section 1240.08 is hereby repealed.**

**Effective Date: This Amendment shall be effective from and after the date of passage and publication according to law.**

Adopted by the Council this 20<sup>th</sup> day of May, 2002

ATTEST:

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Tom Smith, City Administrator

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Scott Johnson, Mayor