

SILVER BAY CITY CODE

CHAPTER 12 AMENDMENT

The City Council of Silver Bay ordains as follows:

Chapter 12 of the City Code is amended by adding Section 1242 establishing Commercial Planned Unit Development Standards.

Section 1242 Commercial Planned Unit Development Standards & Criteria (P.U.D.)

1242.01 Purpose. The Lake Superior School District No. 381 intends to cease operations of the Mary MacDonald School for school purposes. In order to utilize this valuable site and make it available for other purposes, it is to the best interest of the City of Silver Bay that the City Code be amended to allow additional uses in the zoned R-1 residential district. The Commercial Planned Unit Development concept can best accomplish this purpose in utilization of property owned by the Lake Superior School District No. 381 commonly known as the Mary MacDonald School site, excluding the recreation area, ball field and present School District garage.

1242.02 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 Commercial Planned Unit Development site. This section is intended to encourage planned unit developments for commercial purposes to offer greater creativity and flexibility in a site plan design that is provided under the strict application of zoning regulations, while at the same time preserving health, safety, order, convenience, prosperity and general welfare of the City of Silver Bay. Commercial Planned Unit Developments may include one or a variety of land uses. Mixed uses may include any combination of residential, commercial or limited industrial uses, planned and developed in an orderly and compatible relationship to one another.

1242.03 Definition. A Commercial Planned Unit Development will be defined as: multiple family residential, commercial or limited industrial in a clustered setting with varied uses or greater density than otherwise allowed in the district.

1242.04 Authorized Uses.

- A. Office/financial.
- B. Health/medical.
- C. Food.: Retail and Wholesale, Food processing.
- D. Community and Social Education.
- E. Church and Church related functions.
- F. Social Services.
- G. Community Meeting rooms.
- H. Recreational facilities.
- I. Workshops that are compatible with the building site and other building occupants.
- J. Specialty retail shops.
- K. Inside Storage facilities.
- L. Accessory uses incidental to the principal use.
- M. All uses permitted in an R-1 district.

1242.05 Conditional Use Permits. Conditional Use Permits shall be required for any authorized use in a Commercial Planned Unit Development area. The Planning & Zoning Commission (Commission) may impose conditions for granting the Conditional Use Permit consistent with the provisions of Chapter 12 of the Silver Bay City Code, including, but not limited to, modifications to the interior of the Mary MacDonald School building, placement of structures, parking areas, and other facilities to assure compatibility with surrounding areas. In granting or denying an application for a Conditional Use Permit, the Commission shall consider the following factors:

- A. Traffic: traffic congestion, noise, adequate parking or traffic hazards.
- B. Odors: odors that may be offensive and have an adverse impact on the neighborhood.
- C. Noise: noise that may be disturbing and adversely affect the peace and tranquility of the neighborhood.
- D. Hours of Operation: hours of operation may be restricted to assure that the operations do not have an adverse impact on the surrounding area. Impact of heavy truck deliveries late at night should be considered. Unless otherwise specifically authorized by the

Commission or Council, no truck delivery shall be permitted between the hours of 10:00PM and 6:00 AM

1242.06 Site Modifications. Plans and specifications for any modifications of the Mary MacDonald School building and surrounding area, or any other facility or area where a Commercial Planned Unit Development is allowed, shall be submitted to the Commission for approval prior to the issuance of any Conditional Use Permit.

1242.07 Processing Costs. The owner of property to be developed or the developer shall pay all processing costs incurred by the City such as the Permit application fee, mailing and published notice costs and fees and expenses of the Building Inspector or the Zoning Officer.

1242.08 Duration. Section 1242 shall remain in effect during the lifetime of the present Mary MacDonald school building and when it is no longer used for a Commercial Planned Unit Development. The area shall then continue as an R-1 zoned district.

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

Adopted by the Council this 30th day of August, 2004

ATTEST:

Tom Smith, City Administrator

Robert Kind, Mayor