

Section 90-010 Planned Unit Development Review

Planned unit developments (PUDs) are allowed as conditional uses for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land in those management districts where specifically identified. Planned unit developments shall be processed as a conditional use, except that an expansion to an existing commercial PUD involving six or fewer new dwelling units or sites since the date of enactment of this Ordinance is allowed as a permitted use provided that the total project density does not exceed the allowable densities as prescribed in this Section. The Nevis City Council may require special studies or environmental review reports (EAW/EIS) and the developer shall be responsible for the costs of preparing such with the City Council having the authority to charge back costs to the developer. Approval shall not occur until the environmental review process (EAW/EIS) has been completed, as required by Environmental Quality Board rules.

Section 90-015 Definitions

Administrator: The administrator of the Nevis Zoning Ordinance or its authorized agent or representative.

Bluff: A topographic feature such as a hill, cliff, or embankment having the following characteristics:

1. Part or all of the feature is located within a Shoreland area;
2. The slope rises at least 25 feet above the ordinary high-water level of the water body
3. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty (30) percent or greater;
4. The slope drains toward the water body.

An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff.

Bluff Impact Zone: A bluff and land located within 20' from the top of the bluff.

Board of Adjustment and Appeals: The Nevis Board of Adjustment as appointed by the Nevis City Council.

City: The City of Nevis

City Council: The Nevis City Council.

Commercial Use: The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Commissioner: The Commissioner of the Department of Natural Resources.

Conditional Use: A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by this zoning ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied.

Easement: A grant by a property owner for a specified use of land by a corporation, the public or specified persons.

Environmental Assessment Worksheet (EAW): a brief document, in worksheet format, that helps local governments determine if a proposed action is a major action with a potential for significant environmental effects, but also to consider alternatives and to institute methods for reducing environmental effects.

Ground Coverage Percentage: The percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows. In Shoreland areas, all permeable surfaces are included in computing ground coverage percentages.

Lot Area: The area of land within the boundaries of a lot, excluding that portion of a lot which is below the ordinary high-water level.

Lot Coverage Percentage: The percentage of lot area within the outside lines of exterior walls of all buildings located on the lot including: porches, decks, patios, breeze ways, balconies, and bay windows. In Shoreland areas, all impermeable surfaces are included in computing lot coverage.

Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Ordinary High Water Level: The boundary of public waters and wetlands indicated by an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel.

Planned Unit Development: A type of development characterized by a united site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatively housing; full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units; residential condominiums; townhouses; apartment buildings; campgrounds; recreational vehicle parks; mobile home parks; resorts; hotels; motels; and conversions of structures and land uses to these uses.

Planned Unit Development – Commercial: Uses that provide transient, short-term lodging spaces, rooms or parcels with primarily service-oriented operations. Hotel/motel accommodations, bed and breakfast accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are examples of commercial planned unit developments.

Planned Unit Development – Mixed Use: A mixture of commercial and residential uses, as may be approved.

Planned Unit Development – Residential: Use where the nature of the residency is non-transient and the major or primary focus of the development is not service-oriented. For example: single family residences duplexes, triplexes, residential apartments, mobile home parks, condominiums, time share condominiums, townhouses, cooperatives, and conversions of structures and land uses to these uses. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.

Public Waters: Any waters as defined in Minnesota Statutes, Section 103G.005, subdivision 15-18. However, no lake, pond, or flowage of less than 10 acres in size will be regulated for purposes of these parts. A body of water created by a private user where there was no previous shoreland shall be exempt from the provisions of this ordinance. The official determination of the size of public water basins and physical limits of drainage areas of rivers and streams shall be made by the Commissioner.

Shoreland: Land located within the following distances from public waters: 1,000 feet from the ordinary high-water level of a lake, pond or flowage, and 300 feet from a river or stream, or the landward extent of a flood

plain designated by ordinance on a river or stream, whichever is greater. The limits of Shoreland may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and where approved by the Commissioner.

Streets and Alleys: Refers to public ways and have the following meanings:

1. Alley: means a minor way which is used primarily for vehicular access to the back or the side of properties abutting on a street.
2. Collector Street: means a street which carries traffic from minor streets to thoroughfares. It includes the principal entrance streets of a residential development and streets for circulation within such a development.
3. Cul-de-sac: means a minor street with only one outlet and having a turnaround.
4. Half-street: means a public right-of-way having only half the required width as specified in Section 85-110, Minimum Subdivision Design Standards.
5. Marginal Access Street” means a minor street which is parallel and adjacent to a thoroughfare and which provides access to abutting properties and protection from through traffic.
6. Minor Street: means a street of limited continuity used primarily for access to the abutting properties and the local needs of a neighborhood.
7. Private Street: means a way for vehicular traffic which is not owned and maintained by the City.
8. Street: means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, lane, and place or however otherwise designated.
10. Thoroughfare: means a street which heavy volumes of fast moving vehicles are provided for, having considerable continuity, and used primarily as traffic arteries for intercommunication between large areas.

Wetlands: A surface water feature classified as a wetland in the United States Fish and Wildlife Service Circular No. 39 (1971 Edition)

Zoning Administrator: The Zoning Administrator of the City of Nevis, or its authorized agent or representative.