

CATAWBA ISLAND TOWNSHIP

ZONING RESOLUTION

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ZONING RESOLUTION

Catawba Island Township

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ASSISTED BY OTTAWA REGIONAL PLANNING COMMISSION

ADOPTED

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ZONING RESOLUTION

CATAWBA ISLAND TOWNSHIP, OTTAWA COUNTY, OHIO

Be it resolved by the Board of Township Trustees of Catawba Island Township, Ottawa County, Ohio, under the authority provided by Chapter 519 of the Ohio Revised Code, in order to promote the public health, safety, morals, comfort, and/or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and/or to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, that:

SECTION 1 DISTRICTS - GENERAL INFORMATION

1. Catawba Island Township is hereby divided into **sixteen** districts as follows: (8/06) (1/07)

A	Residential Low Density
R-E	Residential Estate District
R-A	Residential District
R-1	Residential District
R-2	Residential District
R-3	Residential District
R-4	Residential District
R-5	Residential District
R-6	Residential District
C-1	Neighborhood Commercial District
C-2	General Commercial District
C-3	Highway Commercial District
C-4	Recreational Commercial District
C-5	Trailer Camp District
R-C	Restricted Commercial District (1/07)
M	Industrial District

2. The location and boundaries of the District shall be as shown on the map entitled "Catawba Island Township Zoning Plan." A certified copy of this map is on file in the office of the Board of Catawba Island Township Trustees and said map and all notations, dimensions, and designations shown thereon are hereby declared to be a part of this Resolution.
3. Where there is uncertainty as to the boundaries of any of the Districts shown on the aforesaid map, the following shall apply:
- a. The District boundary lines are intended to follow the boundary lines of lots, and property lines as they existed at the time of passage of this Resolution, unless otherwise indicated by dimensions on the zoning map. Public or private streets, alleys, or other rights-of-way shall be included in the zoning district of the land which granted the easement for the right-of-way. Private uses on public lands are subject to Zoning Regulations.
 - b. Where boundaries appear to approximately follow such aforesaid lines, such lines shall be construed to be the boundary unless specifically shown otherwise.

SECTION 2 - GENERAL REGULATIONS

1. In all districts minimum lot areas have been established for dwelling lots. It should be noted that in some cases, the Board of Health or other agencies such as the Regional Planning Commission or the Building Inspector, may require greater lot areas than the minimum herein provided on whether the lots are served by municipal water and/or community treatment facilities.
2. No building or structure shall be erected, converted, added to, moved, or structurally altered, nor shall any building or land be used, except for a purpose permitted in the District in which the building or land is located.
3. No building or structure shall be erected, converted, added to, moved, or structurally altered to exceed the height and bulk herein established for the District in which the building is located, except that parapet walls, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, stage towers or scenery lofts, and necessary mechanical appurtenances shall be permitted to exceed the maximum height provision when erected in accordance with all other laws of the township and county.
4. No building or structure shall be erected, converted, added to, moved or structurally altered except in conformity with the yard and lot area regulations of the District in which the building is located, and as required in accordance with Section 7.
5. No building shall be erected, or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the District in which such building is located.
6. The minimum yard, parking space, and other open spaces, including lot area per family, required by this Resolution for any building hereafter erected or structurally altered, shall not be encroached upon or considered as parking, yard or open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the District requirements of this Resolution.
7. Every building erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as specifically provided hereinafter.
8. Two (2) or more parcels, lots of record or platted lots, when contiguous and when held in common ownership, may be treated together as a single lot for the purposes of this Resolution provided such lots are located in the same District.
9. It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation the effect of such decision shall be limited to the provisions which were expressly stated in the decision to be invalid or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

10. A use which is not specifically listed as a permitted or conditionally permitted use in a District, whether defined or not defined in Section 3 of this Resolution, shall not be undertaken within that District and shall not be allowed as an extension or exception to a permitted use listed within that District.

11. Fence gates controlling access to areas occupied by persons shall be so constructed that emergency personnel can have access quickly and easily at all times without requiring special devices. (6/91)

12. Every application, sketch, site plan, or PUD plan submitted to the required township officer, board, or commission, shall contain such information and be submitted in such form as the officer, board, or commission may prescribe in its rules or otherwise in accordance with this Resolution. Supporting evidence in the form of a map, chart, calculation, table, or drawing shall be declared as an exact or accurate representation of the development proposal shown on the sketch, site plan, or PUD plan.

In the event such application, sketch, site plan or PUD plan, or supporting evidence contains an error caused by the applicant or his agent and on which the township officer, board, or commission relied in order to issue or approve a zoning certificate, then the zoning certificate previously granted shall be automatically invalidated. (11/97)

13. Uses Exempted from Provision of this Resolution (8/06)

Except as provided in Section 519.21, Sections 519.02 to 519.25 of the Revised Code confer no power on any township zoning commission, board of township trustees, or board of zoning appeals in respect to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any building or structure.

A township zoning resolution, or an amendment to such resolution may in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code, that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, regulate

1. Agriculture on lots of one (1) acre or less;
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by setbacks, building lines, height, and size;
3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code.

After thirty-five percent of the lots are so developed, dairying, and animal and poultry husbandry shall be considered nonconforming uses of land and buildings and structures pursuant to Section 519.19 of the Revised Code; and

Division B of the section confers no power on any township Zoning commission, board of township trustees, or board of zoning appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.

Section 519.02 to 519.25 of the Ohio Revised Code confer no power on any zoning commission, board of township trustees or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in Section 519.02 of the Revised Code may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.

Such sections confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility engaged in the business or transporting persons or property, or both, or providing or furnishing such transportation service, over any public street, road, or highway in this state, and with respect to the use of land by any such public utility for the operation of its business, to the extent that any exercise of such power is reasonable and not inconsistent with Chapter 4901, 4903, 4909, 4921, and 4923 of the Revised Code. However, this division confers no power on a board of township trustees or board of zoning appeals with respect to a building or structure of, or the use of land by, a person engaged in the transportation of farm supplies to the farm or farm products to market or to food fabricating plants.

Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

Such sections do not confer any power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land owned or leased by an industrial firm for the conduct of oil or natural gas well drilling or production activities or the location of associated facilities or equipment when such oil or natural gas obtained by the industrial firm is used for the operation of its own plants.

Such sections confer some power to regulate telecommunication towers. The requirements of 519.211(B) shall be met when regulating telecommunication towers. (8/06)

SECTION 3 - DEFINITIONS

For the purpose of this Resolution, certain terms and words are described as follows:

The words "used for" includes "designed for" and vice versa; words used in the present tense include the future tense; words in the singular number include the plural number and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory.

Accessory Use or Structure: A use or structure on the same lot, and of a nature customarily incidental and subordinate to, the principal use of structure. Structures or vehicles intended or designed to be used as a temporary or permanent residence, such as mobile homes and recreational vehicles, and any vehicles designed or intended to be used for the movement of goods and materials over highways, such as truck trailers, shall not be used as an accessory structure. (11/99)

Accessory structure such as a dog houses, tree houses, decorative fences not meeting the definition of a fence, etc. that contains less than forty-eight (48) square feet of floor area shall not be required to obtain a zoning certificate, but will be required to meet all setback requirements for the zoning district in which the structure is located. (7/11)

Added to (Addition): An extension or increase in floor area or height of a structure or building.

Adult Arcade: Any place to which the public is permitted and or/charged an admittance fee wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displaced are distinguished or characterized by the depicting or describing of nudity or sexual or genital areas. (7/97)

Adult Bookstore: Any establishment which utilizes ten (10) percent or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display by coin-operated or slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, books, magazines, periodicals, films, tapes, and cassettes which are distinguished by their emphasis on adult materials or characterized by the depicting or describing of nudity or genital areas. (7/97)

Adult Cabaret: A nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties. (7/97)

Adult Health Club: Any establishment that provides equipment and facilities for exercising and improving physical fitness where employees and/or patrons appear in a state of nudity. (7/97)

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure image, description, motion picture film phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and which material is distinguished or characterized by an emphasis on matter

displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination. (7/97)

Adult Motion Picture Theatre: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified anatomical areas or specified sexual activities, nudity, or sexual or genital areas. (7/97)

Agriculture: The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. (7/96)

Airport: Any location, either on land or water used or intended to be used publicly or privately by any person for the landing and taking off of aircraft, including all necessary buildings, and open spaces.

Alley: A minor street used primarily for vehicular service access to the back or side of property abutting on other streets.

Alteration, Structural: Any change in the supporting members of a building such as, bearing walls, columns, beams, or girders.

Apartment: Same as "Dwelling Unit".

Apartment Hotel: A building or portion thereof designed for or containing both guest rooms or suites of rooms and dwelling units.

Apartment House: A building in which lodging or boarding and lodging are provided and offered to the public for compensation.

Automobile Service Station: Any premises used for supplying gasoline and oil, at retail, direct to the customer, including minor accessories and services for automobiles.

Automobile, Trailer and Farm Implement Sales: The sale or rental of new and used motor vehicles, trailers or farm implements in an open area, other than a street, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automobile, Trailer and Farm Implement Repair Shop: Any place where two (2) or more vehicles are repaired or stored awaiting repair. This includes all major repair, replacement, or alteration of mechanical, structural, paint, glass or other parts. All activities must be conducted in an enclosed building.

Automobile Wrecking Yard: Any place where two (2) or more vehicles not in running condition are stored or where the dismantling or wrecking of used motor vehicles, dismantled, obsolete or wrecked vehicles or their parts occurs.

Basement: A story all or partly underground but having at least one-half (1/2) of its height below the average level of the adjoining ground.

Bed and Breakfast Inn: An owner-occupied, single-family residential dwelling in which rooms are rented to paying guests on an over-night basis and breakfast only is provided; the entire service to be included in one (1) stated price.

Berth: A waterside area defined by floating walkways and finger walkways, for the mooring of a floating dwelling or other floating structure. (09/08)

Billboard: Any sign used as an outdoor display for the purpose of making anything known, the origin or point of sale of which is remote from said display.

Board: Shall mean the Board of Zoning Appeals.

Boat, In-Water Fuel Dock: Premises used for supplying at retail, direct to the customer's boat in the water, of engine fuel, lubricant, minor accessories or minor services to his boat.

Boat, In-Water Storage: A structure, basin, or enclosure utilized for storage or reception of a boat.

Boat, Rack Storage: A framework, stand, or grating on or in which a boat or boats may be placed and stored.

Boat, Non-Water Storage: An area or building designed or used for the parking or storage of a boat or boats including rack storage.

Boatel: A combination of a motel and marina that is accessible to boats as well as automobiles and may include boat sales and servicing facilities, overnight accommodations for transients, and eating and drinking facilities. (7/97)

Building: Any structure consisting of foundations, walls, columns, girders, beams, floors, and roofs, or any combination thereof designed for the support, enclosure, shelter, or protection of persons, animals, chattels, or property. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

Building, Boat Repair or Storage: A building designed or used for the care, repair or equipment of boats, or parking or storing of same for remuneration or sale.

Building, Community: A building for social, educational, and recreational activities of a neighborhood or community, provided any such use is not operated for commercial gain. Designation as a community building shall not permit any use, structure, or activity not otherwise permitted in the District.

Building Height: The vertical distance measured from the average finished grade around the building to the highest point of the roof. (6/2/90) The average height will be measured from the corners of the house and the three intermediate points equal distance between the corners of each side. (8/20/92)

Building, Main: A building in which is conducted the principal use of the lot on which it is situated.

Business: All enterprises conducted for gain, profit or income and includes all personal service occupations.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections. Uses permitted are listed in the "C-2" District.

Business, Highway: Includes commercial uses requiring locations on or near major thoroughfares and/or their principal intersections. Uses permitted are listed in the "C-3" District.

Business, Neighborhood: Any activity carried on within an enclosed building which involves the selling of goods, merchandise, or services to the general public for personal or household consumption and which can be located in close proximity to or surrounded by residential uses without creating vehicular congestion, noise, smell, light, or other interference to the residential uses. Neighborhood businesses include only those activities not elsewhere defined and which employ a total of less than eight (8) persons, and have total floor area of less than four thousand (4,000) square feet. Examples of neighborhood businesses include hobby and craft stores, bicycle store, paint store, shoe repair shop, barber shop, T.V. repair shop and grocery store.

Camp: An area of land or premises used for camping purposes such as construction work, recreation, health, education, sectarian, tourist picnic or tourist camps, whether operated for profit or not.

Child Day Care Center: Any commercial building, residential building, or other building or place providing supervisory care to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, for any part of the twenty-four hour day in a building, place, or residence other than the child's own home. (7/97)

Club (Including Country): A building or portion thereof or premises owned or operated by a person or association for a social, literary, political, educational, or recreational purpose, whether for profit or not, and for the exclusive use of members and guests. Designation as a club shall not permit any use, structure, or activity not otherwise permitted in the District.

Commercial: The exchanging or buying and selling of commodities, goods, and services. (8/06)

Commission: The Zoning Commission of the Township.

Conditional Uses: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are presented in the section of districts.

Conditional Use Permit: A permit issued by the zoning inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Condominium Development: A condominium property in which two (2) or more individual dwelling units, together with undivided interests in the common areas and facilities of the property are offered for sale.

Condominium Dwelling: A dwelling unit which is a part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated as a dwelling unit in the condominium declaration and delineated on the drawings provided in Section 5311.07 of the Ohio Revised Code.

Condominium Property: All lands, buildings, improvements, and structures; all easements, rights, and appurtenances belonging to the land; and all articles of personal property submitted as required by Section 5311 of the Ohio Revised Code, as amended.

Condominium Unit: A part of the condominium property consisting of one (1) or more rooms on one (1) or more floors of a building and designated as a unit in the declaration and delineated on the required drawings.

Converse Condominium Development: A condominium development that was originally created as a rental property occupied by tenants prior to the time that the condominium property is submitted to the provisions of Section 5311 of the Ohio Revised Code and the units are offered for sale.

Conversion: The changing of the original purpose of a building to a different use.

Court: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings, and which is bounded on two (2) or more sides by such buildings.

Curb Grade: The elevation of the established curb in front of a building measured at the center of such front. Where no curb grade has been established, the County Engineer shall establish such curb grade for the purpose of this Resolution.

Density: **The number of dwelling units that can be developed on a given area of land.** Submerged land under 574 feet above sea level shall be included in complying with the density requirements of this Resolution only for so much of the submerged land over which the development or project is actually constructed. (8/06)

Drive-In Food Establishment: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place in motor vehicles on the site, or off-site.

Dwelling: A building or portion thereof, designed, used, and intended to be used exclusively for permanent residential occupancy, including one-family and multiple family dwellings. (9/08) All buildings and structures used as a dwelling shall conform to the requirements of either the Ohio Basic Building Code or the Manufactured Housing Construction and Safety Standards Act of 1974. The requirements of Section 7,E. dealing with Dwelling Size and Standards shall also be met. (7/12)

A dwelling does not include hotels, motels, boarding and rooming houses, tents, tent trailers, trailer coaches, automobile trailers, recreational vehicles, and other similar structures constructed with wheels, whether permanent or non-permanent. Overnight rental and occupancy of a dwelling shall be prohibited. A floating dwelling may only be permitted within a floating dwelling community/moorage or a planned unit development. (9/08)

Dwelling, One-Family, Permanent Use: A detached building designed, used, and intended to be used for permanent occupancy by one (1) family **only** and

always used by the same occupants for a continual period of not less than thirty (30) days. (7/97) (8/06)

Dwelling, Multiple-Family: A building or portion thereof designed, used, and intended to be used for permanent occupancy by two (2) or more families living independently of each other. (7/97)

Dwelling, Units: One (1) or more rooms in a building or apartment hotel designed for the permanent occupancy by one (1) family for living purposes and having cooking facilities. Attached garages shall be considered a part of the dwelling unit, but may not be included as part of the required minimum floor area. (8/20/92)

Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Family: Up to five (5) persons above the age of eighteen (18) and up to six (6) persons below the age of eighteen who are related by blood, adoption, marriage, or guardianship to any of the first five above eighteen (18) years of age. (7/96)

Fence: A barrier intended to prevent intrusion or escape, or to mark a boundary; constructed of post and wire, boards, metal, vegetation, and/or plastic or similar durable material. Fence gates controlling access to areas occupied by persons shall be so constructed that emergency personnel can have access quickly and easily at all times without requiring special devices.

Finger Walkway: A walkway that extends normally at right angles to a pier to accommodate a single floating dwelling. Finger walkways are usually found in number to accommodate two or more floating dwellings and which physically defines a berth and provides direct pedestrian access to and from a berthed floating dwelling. (9/08)

Floatation Device: Logs, foam blocks, concrete floats, or other similar devices which in combination form a floatation system for the support of a floating dwelling. (9/08)

Floatation Platform: A platform that unifies a combination of floatation devices designed and constructed according to the Residential Building Code of Ohio and providing the buoyancy required to support the loads imposed by the floating dwelling the floatation platform supports. (9/08)

Floating Dwelling: A permanently moored floating structure designed and constructed per the Residential Code of Ohio, with no means of self-propulsion, which is for occupancy as a one-family dwelling, and is supported by a floatation platform directly connected to utilities. This includes floating structures that are designed, or has been substantially and structurally remodeled or redesigned to serve primarily as a residence and that do not qualify as a vessel. A floating structure that is used as a residence and is capable of self-propulsion, but is not designed primarily for navigation, nor normally is capable of self-propulsion and use as a means of transportation is a floating dwelling, not a vessel. (9/08)

Floating Dwelling Community/Moorage: A site used exclusively for securing one or more floating dwellings or floating structures, and includes the piling, mooring connectors, piers, ramps, gangways, walkways, and the adjacent land area. (9/08)

Floating Structure: A structure supported by a floatation system constructed in compliance with the Residential Building Code of Ohio and held in place by piling and/or mooring connectors. (9/08)

Floor Area: The sum of the gross horizontal area of all floors, excluding basements and other areas not used for permanent occupancy or use.

Frontage: The width of the lot at the street right-of-way. In cases where lots front on Lake Erie or West Harbor, the front yard may be regarded as that portion of the lot oriented towards the water.

Gangway: A variable slope structure intended to provide pedestrian access between a fixed mooring pier or shore and a floating structure. (9/08)

Garage, Private: A detached accessory building or portion of a principal building, designed or used for the parking or temporary storage of automobiles, travel trailers, house vehicles, snowmobiles, and boats of the occupants of the premises and wherein:

- a. not more than one space is rented for parking to persons not residents on the premises;
- b. no more than one commercial vehicles per dwelling unit is parked or stored; and
- c. the commercial vehicle permitted does not exceed two tons capacity.

Garage, Public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles or other vehicles not exceeding two ton capacity, and in which no service shall be provided for remuneration or sale.

Grocery: A retail store for sale of meat, fruit, vegetables, breads, dairy products, minor household supplies, beverages including beer and wine, other foods, all for use off-premises.

Guest House (Private): Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary, non-paying guests of the occupants of the premises; such quarters are not to be rented or otherwise used as a separate dwelling. The floor area of a guest house shall not be less than 400 square feet nor more than 1,000 square feet. (6/2/90)

Home Occupation: An occupation conducted in a dwelling unit or small garage provided that:

- a. no person other than members of the family residing on the premises shall be engaged in such occupation conducted in the dwelling unit, or garages containing 600 square feet or less;
- b. the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- c. there shall be no change in the outside appearance of the building or premises or other visible evidence of conduct of such home occupation other than one (1) sign as permitted in Section 7c of this Resolution;
- d. sufficient off-street parking shall be provided based on the type of home occupation; and
- e. no equipment or process shall be used in such home

occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence.

Hotel: Any building, or portion thereof, which contains guests rooms which are designed or intended to be used, let or hired out for occupancy by, or which are occupied by individuals for compensation, whether the compensation is paid directly or indirectly.

Industrial Unit or Dwelling: A constructed unit that is approved by the Ohio Department of Industrial Relations and meets the requirements of Section 4101:2-98 of the Ohio Basic Building Code. Verification of whether the unit is an industrial unit or dwelling as approved by the State of Ohio can be made by the Ottawa County Building Inspection Office.

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

Institutional Home: A place for the care of babies, children, pensioners, or old people, except those for correctional or mental cases.

Junk Yard: An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, packed, or handled including building wrecking yards, but excluding uses taking place entirely within the enclosed building, or for the maintenance or operation of a machinery or automobile graveyard except for the storage of wrecked or impounded automobiles for a period of less than ninety (90) days exclusively for storage, repair, or resale without alteration. Fences will be required as per O.R.C.

Kennel or Cattery: Any lot or premises on which five (5) or more domesticated dogs or cats, more than four (4) month of age are housed, groomed, bred, boarded, trained, or sold and which offers provisions for minor medical treatment.

Land Use Plan: A plan, or any portion thereof, adopted by the Township Trustees of Catawba Island Township showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan established the goals, objectives, and policies of the community. Copies of the plan shall be on file with the Township and the Ottawa Regional Planning Commission. (8/06)

Loading Space: Space logically and conveniently located for bulk pickup and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located outside any street or alley right-of-way.

Lot: For the purpose of this Resolution, a lot is a parcel of land of sufficient size to meet the minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lots shall have frontage on an approved public or approved private street and may consist of:

- a. a single lot of record;
- b. a portion of a lot of record which is a part of a subdivision recorded in the County Recorders office or separately described by metes and bounds,

- c. the description which has been so recorded. (6/91)
a combination of complete lots of record, of complete lots of record and portions of lots of record as described in (b) above or in portions of lots of record as described in (b) above, but all portions of such combined lots must be in the same zoning district. (6/88, 6/91)
- d. once declared such uses shall be identified in the Zoning Permit, and none of these lands shall be sold separately, unless all parcels created by said division meet the minimum zoning size requirement for the Zoning District in which they occur. (6/90)

Lot Area: The total area of the lot exclusive of the street right-of-way.

Lot, Corner: A lot located at the intersection of two or more streets or bodies of water connected to Lake Erie or its tributaries. (11/99)

Lot Coverage: That portion of the lot that is covered by all types of buildings and structures. (8/06)

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) lot lines.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as herein defined.

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder or a parcel described by metes and bounds, the description of which has been so recorded in the office of the County Recorder. (6/91)

Lot, Reversed Corner: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Through: An interior lot having frontage on two (2) or more streets.

Lot Width: The horizontal distance between the side lot lines measured at right angles to the depth at the legally established **front yard** building setback line.

Major Street: A dedicated street within Ottawa County which has been classified as a dual highway, a dominant major street, a major street, a secondary major street, a main county road, or a State Highway by the Ottawa County Regional Planning Commission on an Official Highway Plan.

Manufactured Home: A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974" and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards. (11/99)

Manufacturing: The process of using raw materials to create a product. A productive industry using mechanical power and/or machinery.

Marina: An area having water access, which is used for commercial docking or mooring or operations base of any watercrafts.

Massage: Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating, the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance. (7/97)

Massage Establishment: Any fixed place of business where a person offers massages to patrons for a fee which may be in connection with the provision of another legitimate service. (7/97)

Masseur or Masseuse: Any individual who performs massages at a massage establishment. (7/97)

Mini Storage Building: A building not over twenty (20) feet high, measured to the peak, providing one or more separate storage spaces of not over 300 square foot area each, with individual outside access, for rental to the public for storage of non-hazardous personal goods.

Mobile Home: See manufactured home.

Mobile Home Park: Any site, lot, field, or tract of land under single ownership or control which has been planned and improved for the placement of mobile homes or unapproved industrial units, and upon which three (3) or more mobile homes or unapproved industrial units used for habitation are parked, either free of charge or for revenue purposes, and shall include any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such mobile home park.

Mobile Home Subdivision: Land platted and recorded into lots for sale, restricted to mobile homes or unapproved industrial units only, with no more than one (1) mobile home or unapproved industrial unit per lot.

Moorage Pile: A column or group of columns of timber, steel, or reinforced concrete bored or driven into the ground to carry vertical and lateral loads from a moorage for a floating structure or floating dwelling. (9/08)

Moorage Site: A site within a moorage, designed or used for the mooring of a floating dwelling or floating structure, including berths. (9/08)

Mooring: The permanent attachment of a floating dwelling or floating structure in one location to piles, walkways, gangways, piers, or other structures. (9/08)

Mooring Basin: An area having water access, with dockage or mooring for pleasure boats used by residents of adjacent land or subdivision, and where no commercial activities are permitted.

Mooring Connectors: A connection between a floating structure or floating dwelling to a pile, pier, walkway, ramp, gangway, or other structure, with the capability to hold the structure in place under design loads. (9/08)

Motel: A building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy by transients.

Night Club: A place of assembly used for the consumption of food and beverages and which usually provides entertainment through permitted dancing or through organized entertainment other than music.

Non-Conforming Building: A building or structure, or portion thereof, lawfully existing at the time this Resolution became effective, as amended,

which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the District in which it is located.

Non-Conforming Use: A use which lawfully occupied a building or land at the time this Resolution and/or amendments thereto became effective and which does not conform with the use regulations of the District in which it is located.

Nude or Nudity: Showing of either the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the female breast with less than a full opaque covering on any part of the nipple. (7/97)

Nursing Home: A home for the aged or chronically ill persons, in which three (3) or more persons not of the immediate family are received, kept, and provided with food, shelter, and care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick.

Park/Playground: A tract of land designated and used by the general public for active and passive recreation but not including uses and activities traditionally operated for profit by private individuals such as amusement parks and golf courses. (6/91)

Parking Space, Automobile: Space within a building, or a private or public parking area for the parking of one (1) vehicle. (8/20/92)

Parking Space, Private: An open area, other than a street or alley used for the parking of the vehicles of the occupants of a dwelling. (8/20/92)

Parking Area, Public or Customer: An open area, other than a private parking area, street, or alley used for the parking of vehicles and available for public or quasi-public use. (8/20/92)

Pier: Any structure that extends from land outward, over or through the water and used as a walkway to access two or more floating dwellings thereby providing direct pedestrian access between the berths and other walkways or shore. (9/08)

Planned Unit Development: An area of land, in which a variety of housing types, building sites, **possibly specific commercial use**, and open space are specifically permitted and limited in a unified Plan. **A commercial development may be undertaken with residential buildings as well.** The procedure for approval of a PUD contains substantial and varied requirements in addition to those of a standard District. (6/2/90) (8/06)

Plat: A map or drawing showing the plan of a subdivision of a tract or parcel of land.

Portable Vendor Equipment: Portable vendor equipment requiring a person(s) for delivery of the product, such as a hot dog or ice cream kiosk, are not considered permanent structures requiring a zoning permit as long as they remain portable in nature. However, the placement of the portable vendor equipment must be on property that is zoned commercial and allowing food sales. (7/11)

Public Park: Land, usually owned by a governmental entity, which has been designated for park or recreational activities, both active and passive, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis

courts, pedestrian/bicycle paths, open space, wilderness areas, or similar land within the Township which is under the control, operation, or management of the Township, county, state, or private non-profit corporation, but not including uses and activities traditionally operated for profit by private individuals such as amusement parks and golf courses. (7/97)

Recreational Camp: An area of land on which two (2) or more recreational vehicles, campers, tents, or similar temporary recreational structures are regularly or seasonally accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreational Vehicle: Defined as and including the following:

- a. Travel Trailer (including 5th wheels): A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- b. Pick-up Camper: A structure designed primarily to be mounted on a pick-up chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- c. Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle which is more than seven (7) feet high and/or more than sixteen (16) feet long.
- d. Folding Tent Trailer: A canvas folding structure mounted on wheels and designed for travel and vacation use.
- e. Boats and Boat Trailers: Includes boats, floats, rafts, and the normal equipment required to transport the same on the highway.

Remodeling/Addition: The construction process by which the foot print of a structure is increased in size/square footage or where an additional story or partial story is being added to the structure. Replacing windows, doors, siding, roof shingles, or enclosing a screened in porch will not require a zoning certificate. (7/11)

Restaurant: An establishment where food and drink for sale to the general public is prepared, served, and consumed within the principal building. Entertainment shall consist of music only at such a volume that normal conversation between individuals can occur.

Riding Stable: Any land or structure used for the care and grooming of horses.

Right-Of-Way: A strip of land taken or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities and may include special features required by the topography or treatment such as grade separation, landscaping, viaducts, and bridges.

School: Any public or private educational facility, including, but not limited to, child day care facilities, nursery schools, pre-schools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, colleges, junior colleges, and universities. School includes the school ground, but does not include the facilities used primarily

for another purpose and only incidentally as a school. (7/97)

Screen: A material object intended to provide shelter, protection, or concealment; constructed of post and wire, boards, metal, vegetation and/or plastic or similar material.

Setback Line: A line established by the Zoning Resolution, generally parallel with and measured from the edge of the road right-of-way or other lot lines, defining the limits of the yards in which location of buildings or structures may be restricted, as provided in the Resolution. Setbacks are measured to the farthest projection of the structure including steps and bay windows, etc., but not including overhangs of eighteen (18) inches or less. (8/02)

Sexual or Genital Area: Includes the genitalia, pubic area, anus, perineum of any person, and the breasts of a female. (7/97)

Sexually Oriented Business: Any of the following: adult arcade, adult bookstore, adult cabaret, adult health club, adult motion picture theater. (7/97)

Sign:

- a. Temporary Sign: A sign with a message pertaining to a one time event whose message's utilitarian value becomes zero after the event.
- b. Permanent Sign: A sign with a message pertaining to a continuously operated business or periodically reoccurring event that can reasonably be expected to continue indefinitely.
- c. Identification Sign: A sign giving the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol, and address of a business, development, subdivision, or establishment on the premises where it is located.
- d. Directional Sign: A sign, permanent or temporary, that directs traffic movement to a place or event.
- e. Projecting Sign: A sign erected on the outside wall or roof of a building which projects out at an angle therefrom.
- f. Wall Sign: A sign painted on the surface of an outside wall of a building or attached parallel and close to such surface and not extending beyond it.

Snack Bar: An establishment whose business is the sale of food and beverage served within five (5) minutes of ordering and sold directly to the customer in a ready to consume state for consumption within the establishment or off-premises.

Specified Anatomical Areas: Means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. (7/97)

Specified Sexual Activities: Includes any of the following: 1) the fondling or other erotic touching of human genital, pubic region, buttock, anus, or female breasts; 2) sex acts, actual or simulated, including intercourse, oral copulation or sodomy; 3) masturbation, actual or simulated, or 4) excretory functions as part of or in connection with any of the activities 1-3 above. (7/97)

Story: That part of a building between the surface of the floor and the ceiling immediately above.

Story, Half: A story under a gable, hip, gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than two (2) feet above the floor of such story.

Street: The full width of dedicated land, for every public or private way, with a part thereof used for vehicular traffic wide enough to accommodate emergency vehicles and other service vehicles and designated as follows:

- a. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- b. Collector Street: A highway, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- c. Cul-de-sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- d. Dead-end Street: A street, temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- e. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- f. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of 180 degree system of turns are not more than 1,000 feet from said arterial or collector street, nor more than 600 feet from each other.
- g. Street, Public: A developed road dedicated to the public use, and maintained and controlled by any governmental authority.
- h. Street, Private: A developed road dedicated to public or private use, maintained and controlled by individuals or other private authority.
- i. Street, Access: An area of land designated to provide ingress and egress to marinas, campgrounds, manufactured home parks, condominiums and similar developments for the exclusive use of the users of that development and maintained and controlled by an individual or group of individuals.

Structurally Altered: See Alteration, Structural.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including advertising signs and billboards, but not including roadways, driveways, or walkways.

Swimming Pool: A pool, lake, pond, or open tank containing at least 1.5 feet of water at any point and maintained by the owner, manager, or resident.

- a. Private: Exclusively used without paying an additional charge for admission by residents and guests of a single

household, a multi-family development, or a community; the members and guests of a club, or the patrons of a motel or hotel.

- b. Community: Operated with a charge for admission.

Tavern: An establishment used primarily for the serving of liquor, including beer and wine, by the drink to the general public and where food may be served or sold only as necessary or secondary to the primary use. No dancing or organized entertainment shall be permitted. All activities and music shall be within an enclosed building.

Trailer Camp: A recreational camp in which no occupant may reside in the camp over fifteen (15) days in any one thirty (30) day period. Accessory buildings and uses customarily incidental to any use of the camp are permitted including the sale of food and refreshments, provided such accessory facilities are for the exclusive use of the camp's occupants.

Trailer Court: Same as Mobile Home Park.

Variance: A variance is a modification of the strict terms of this Resolution where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal and strict enforcement of this Resolution would result in an unnecessary and undue hardship. A condition created by the applicant either knowingly or unknowingly which is a violation of this Resolution shall under no circumstances be termed a hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation.

Walkway: A covered or open floating or fixed structure used for ingress and egress from a mooring site for floating dwellings or floating structures.
(9/08)

Warehouse: A storage building which is used for the storage of goods, wares, food, beverages, merchandise, or other chattels, and includes a building used for the storage of unused new automobiles or aircraft, but does not include a garage or hangar as regulated under Article 2, Section 206, 210, 211, and 212 of the Ohio Basic Building Code.

Wind Powered Electric Generator - Low Impact: A wind energy conversion system consisting of a turbine, a tower, and associated controls or conversion electronics that have a rated capacity of not more than 100 kW and that is intended to reduce on-site consumption of utility power. (8/06)

Yard: An open space at grade between a building and the adjoining lot lines or right-of-way lines as appropriate, unoccupied and unobstructed by any portion of a structure from the ground upwards, except an otherwise provided herein.

Yard, Front: A yard extending across the full width of the lot, between the nearest front main building and the edge of the street right-of-way. The depth of the required front yard shall be measured horizontally from the nearest point of the street right-of-way towards the nearest part of a main building. For lots fronting on water, the front yard may be considered that area facing the water and not the street or road and the setback shall be measured from the water's edge instead of the right-of-way.

Yard, Rear: A yard extending across the full width of the lot, between the nearest rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line (or the edge of an alley if one is present) towards the nearest part of a main building. For those lots fronting on water and considering their rear yard as adjacent to the street right-of-way, the setback shall be measured from the edge of the street right-of-way. No accessory building shall be placed within fifteen (15) feet of said right-of-way. (8/20/92)

Yard, Side: A yard between a main building and the side lot line extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line towards the nearest part of a main building.

Zoning Certificate: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses. Sometimes called zoning permit.

SECTION 4 - DISTRICTS

"A" RESIDENTIAL LOW DENSITY DISTRICT (8/20/92)

The following regulations shall apply in the "A" District"

1. Uses Permitted: The following uses are permitted. A zoning certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Agriculture.
 - b. One-family dwelling, **permanent use.** (8/06)
 - c. Roadside stands, for sale of agricultural and plant nursery products, provided a minimum of sixty (60%) percent of the total value of all products sold are raised on the premises.
 - d. Churches or other places of worship.
 - e. Public schools, elementary and high, and private schools having a curriculum similar to a public school
 - f. Public facilities owned or operated by public agencies. (6/91)
 - g. Home occupations, as defined in Section 3.
 - h. Public parking areas on a lot abutting **any** "C" or "M" District when located and developed as required in Section 5, and provided that the parking area does not extend more than two hundred (200) feet from the boundary of the "C" and "M" Districts. (8/06)
 - i. Nurseries or greenhouses.
 - j. Accessory buildings.

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution. (5/21/93)
 - a. Golf course to include associated amenities such as swimming pools which may be granted by the Board of Appeals or practice driving tee, but not a miniature course.
 - b. Veterinary animal hospital or clinic.
 - c. Cemeteries or mausoleums.
 - d. Hospitals or institutions, provided that the site is five (5) acres or more in size, the building does not occupy more than twenty (20) percent of the total lot area, and a setback from all yard lines of at least two (2) feet for each foot of building height is provided.
 - e. Nursing homes.
 - f. Non-commercial community buildings, recreational fields, swimming pools, or mooring basin owned, operated, and used exclusively by residents of abutting properties or subdivision.
 - g. Development of natural resources including the extraction of sand, gravel, fill dirt or topsoil.
 - h. Bed and Breakfast Inn as provided for in Section 7 of this Resolution.
 - i. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - j. Professional offices, such as doctors, dentists, attorneys, real estate, insurance, architects, and engineers, subject to the requirements established in

Section 7, K. (7/97)

k. **Wind powered electric generator - low impact. (8/06)**

3. Lot Area, Width, and Depth: Every lot shall have a minimum width of one hundred and fifty (150) feet and a minimum depth of one hundred and fifty (150) feet; however, it shall have a minimum area of not less than forty-three thousand, five hundred and sixty (43,560) square feet. Measurement of lot area shall be made to the street right-of-way. (7/96)
4. Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, except as provided in Section 7, A.
5. Side Yard: There shall be a side yard of not less than ten (10) feet, except as provided in Section 7, A, 2.
6. Rear Yard: There shall be a rear yard of not less than forty (40) feet. (7/96)
7. Dwelling Size: Shall be provided as required by Section 7, F and as stated herein.

One Story	1,400 square feet (7/96)
One and One-Half Story	1,000 square feet on the first floor (7/96)
Two or More Stories	950 square feet on each of the first two floors (7/96) (8/06)

Does not include open or enclosed porches, patios, breezeways, and garages. The total **lot coverage** of all buildings and structures, other than those used in agriculture, shall not exceed **thirty percent (30%)** of the total actual land area excluding street right-of-way and land under 574 feet above sea level. (7/96) (8/06)

8. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
9. Off-Street Parking: Shall be provided as required by Section 5 and as listed herein.
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Churches and schools: One (1) parking space for each four (4) seats in the main auditorium.
 - c. Commercial buildings: One (1) parking space for each two hundred (200) square feet of floor area.
 - d. Clubs and lodges: One (1) parking space for each five (5) members.
 - e. Hospitals and institutions: One (1) parking space for each eight hundred (800) square feet of floor area.
10. Accessory Buildings: **Lot coverage for all buildings, principal and accessory, is limited to thirty (30) percent of the actual lot area. The cumulative square footage of all accessory buildings will be the lot coverage remaining after the square footage of the principal building is subtracted or 950 square feet, whichever is smaller. (8/06)**

Accessory buildings not exceeding twenty (20) feet in height are permitted in the rear or side yard. No accessory building shall be closer to a road right-of-way than a main building may be, closer than ten (10) feet to any main building, nor closer than ten (10) feet to side or rear lot lines, except as provided in Section 7, A, 2.

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings.

11. Signs: Shall be provided as stated in Section 7, C and as stated herein.
 - a. For agricultural use not to exceed forty-eight (48) square feet for each agricultural sign which shall not advertise services, goods, or facilities not available on premises or on an adjacent premise. Both sides of the sign may carry a message. There shall be no more than one such sign per two hundred (200) feet of frontage of the land on the road; land on each side of the road has its own frontage. (5/21/93)
 - b. For one-family dwellings, one (1) name plate not exceeding one and one half (1-1/2) square feet in area, indicating the name and address of the occupant and one (1) sign not exceeding three (3) square feet in area indicating the name of the permitted home occupation.
 - c. For churches, one (1) bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area, including the supporting structure.

12. Fences: The following conditions shall apply to fences:
 - a. Fences or hedges may not exceed four (4) feet in height in the required front yard and may not exceed seven (7) feet in height in any other location on the lot.
 - b. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - c. **The requirements in Section 7, M. shall be met. (7/12)**

13. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting natural above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary line.

14. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed except as an accessory use

and unless it complies with the following conditions and requirements:

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located.
- b. It may not be located closer than the required setback line for the District in which it is located.
- d. The swimming pool or the entire property on which it is located shall have a wall, fence, or barrier to prevent uncontrolled access from the street or adjacent property. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements.
(8/06)

- 15. **Parking Exception:** Only one (1) automotive vehicle or recreational vehicle of any type without current license plates shall be parked or stored on any lot other than in a completely enclosed building. Parking or storage must be in the rear yard. (7/97)

The following regulations shall apply in the R-E District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided in Section 10, B of this Resolution.
 - a. Planned Unit Development, if applied for by the owner as provided for herein, and as approved by the Zoning Commission and Board of Township Trustees.

The following regulations shall be met for all planned unit developments:

1. Catawba Island Township will permit development of land using a planned unit development concept in order to achieve the following:
 - a. A maximum choice of living environments by allowing a variety of housing and building types and a reduction in lot dimensions, yards, building setbacks, and area requirements, while preserving the overall density objectives set by zoning.
 - b. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of desirable neighborhood commercial uses and services.
 - c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, prevents the disruption of natural drainage patterns, and conserves and protects the aquifer and groundwater supplies.
 - d. A more efficient use of land than is generally achieved through conventional development, which may result in substantial savings through shorter lengths of utilities and streets.
 - e. A development pattern in harmony with land use density, transportation facilities, connecting open space, and community facilities.
 - f. A development, that in the opinion of the trustees is advantageous to the community at large.

2. Types of Uses Permitted

The following types of uses are permitted after recommendation by the zoning commission and approval by the board of township trustees:

- a. Land and buildings in the planned unit development shall

be limited to one or more of the following uses:

1. Detached single-family dwellings.
 2. Zero lot line, attached twin single, townhouse, condominium, or other innovative forms of residential development.
 3. Subordinate commercial uses to a residential planned unit development.
 4. Home occupations as defined in Section 3.
 5. Parks, playgrounds and playfields open to the public without fee.
 6. Public or private golf courses or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functional characteristics are specifically included in the approved planned unit development.
 7. Other residentially-oriented uses, that in the opinion of the zoning commission and township trustees, meet the purpose and intent of a planned unit development and are adequately designed, located, or otherwise provided for by the development plan and other required documents.
 8. Accessory buildings and uses in association with a permitted residential use and the planned unit development as provided herein.
- b. Residential uses may be combined with compatible, subordinate commercial, public, and quasi-public uses in a planned unit development, provided that the proposed location of the commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial uses in a residential-commercial development shall be recommended by the zoning commission and determined by the board of township trustees, in accordance with these standards.

- c. Only uses designated in the approved planned unit development as a permitted use shall be allowed as a matter of right at each location in a planned unit development, and any use not so designated shall be prohibited.
- d. Open space uses consistent with residential developments, such as golf courses, nature trails, etc.
3. Development Standards
- a. Lot Area, Width, and Depth
1. The gross lot area of the tract to be developed under the planned unit development approach shall conform to the following schedule:

<u>Type of PUD</u>	<u>Minimum Area (Acres)</u>
Residential	5
Residential-Commercial	5

2. When the planned unit development is a mixture of residential and commercial uses, no more than ten (10) percent of the tract may be devoted to commercial activities that are listed as uses permitted in the "C-1" Neighborhood Commercial District and that are specifically permitted in the approved planned unit development.
3. The area of a planned unit development must be an integral tract. It cannot be a collection of isolated pieces of land, except that roads, streets, or waterway may lie between portions of the tract.
4. The minimum lot width of a planned unit development shall be two hundred (200) feet.
5. Each lot to be sold in a planned unit development shall have a minimum width of sixty (60) feet and a minimum lot area of seven thousand (7,000) square feet.

4. Density

- a. The density of development within the residential planned unit development will vary depending upon its location. The Land Use Plan identifies different densities for different areas of the township. The following density standards will apply for planned unit developments.

In the center of the township, on land located between East Catawba Road and West Catawba Road recommended for low-density uses in the Land Use Plan, the density requirement permitted in a planned unit development may be increased to one and one-half (1½) dwelling units per acre of land.

In areas of the township recommended for medium density developments, the density requirement may be increased to four (4) units per acre.

In all other areas of the township (high density/recreation-commercial areas), the density requirement may exceed four (4) units per acre.

For a residential planned unit development spanning or incorporating two (2) or more contiguous parcels with prescribed densities, the total average density for the aggregate parcel may apply if requested by the developer and approved by the trustees.

- b. Each phase submitted for approval shall not exceed the density requirements for the acreage included in that phase. If a phase is approved with less than the maximum density allowed for that phase, a subsequent phase of the

planned unit development may be permitted to include the allowed density not incorporated in that previous phase.

- c. Aggregating or clustering of dwelling units is permitted, but there shall be no more than ten (10) dwelling units permitted per aggregation or cluster.
- d. For purposes of calculating the maximum density, the acreage of the tract of land included as part of the planned unit development shall be multiplied by the permitted density number. The acreage may not include land below 574 feet above sea level in determining density.

5. Common Open Space

- a. Common open space and recreational facilities may be reserved for the residents and users of the area being developed. It shall be so sited that residents will have easy access to it without trespassing on private areas.

Common open space is land within the development, not individually owned or dedicated for a specific use like roads or easements, that is designed and intended for the common use or enjoyment of the residents of the development and their guests and may include complementary structures and improvements as are necessary and appropriate.

- b. At least twenty (20) percent of the gross area included in each phase shall be set aside as common open space. At least one-third of the twenty (20) percent common open space for each phase must be dry land not normally covered or inundated by water.
- c. Such common open space land reserved under a planned unit development shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development.
- d. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan and shall be included in deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- e. Common open space and recreational facilities shall be of a size, shape, topography, and location to be usable and accessible to the residents of the planned unit development. Wherever possible, common open spaces in a planned unit development shall be designed to complement open space within an adjoining development.
- f. If approved by the zoning commission and the township trustees, a portion of the required open space for a planned unit development may be acquired off-site and

donated to the township as public land. This alternative must be mutually agreed upon by all parties.

6. Building Height

- a. The maximum height for all residential and commercial buildings and structures, excluding accessory buildings, in the planned unit development shall be thirty-five (35) feet, unless approved at a greater height by the township trustees during the review process.

7. Building Yards

- a. All principal buildings shall have a minimum front yard setback of twenty (20) feet, a minimum side yard setback of ten (10) feet, and a minimum rear yard setback of twenty (20) feet. Corner lots shall have the front yard setback on both streets.
- b. Units with a common wall or that are contiguous because of an authorized zero setback are considered one building. There shall be a minimum twenty (20) foot separation between buildings of this type.
- c. In areas where aggregation or clustering is proposed, the township trustees shall have the flexibility to reduce these setbacks when appropriate.

8. Dwelling Size and Accessory Building Standards:

- a. The dwelling size in a planned unit development shall be approved by the zoning commission and township trustees. All floor-space measurements exclude open or enclosed porches, patios, breezeways and garages.
- b. Accessory buildings for each dwelling unit or commercial use shall have a total area no greater than six hundred (600) square feet and a maximum height no greater than fifteen (15) feet. Accessory building must be located within two hundred (200) feet of the dwelling unit or commercial use it serves.

9. Off-Street Parking Requirements

- a. Each dwelling must be provided with two (2) parking spaces.
- b. Approved commercial uses shall provide one (1) parking space for each two hundred (200) square feet of floor area.
- c. All other requirements of Section 5 of this Resolution shall apply to parking spaces for both dwellings and for commercial uses.

10. Commercial Uses

- a. When the planned unit development includes commercial

uses, commercial buildings and establishments shall be planned as groupings having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

- b. Only commercial uses that are listed as permitted uses in the "C-1" Neighborhood Commercial District shall be permitted. Other similar uses not specifically listed may be substituted with permission of the township trustees.
- c. The planned unit development shall provide, where commercial areas abut residential areas, a landscape plan that, in the opinion of the zoning commission and township trustees, provides a sufficient buffer where necessary. Example: between commercial parking areas and abutting residential areas.

11. Traffic Circulation

- a. The planned unit development shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

12. Non-Illuminated Signs Permitted in the PUD District:

- a. The requirements of Section 7 shall apply for all dwellings and commercial uses.
- b. All permanent signs to be erected within the planned unit development must be provided for and approved as a part of the planned unit development.

13. Fences

- a. Fences or hedges must be approved as part of the planned unit development. Fences may not exceed four (4) feet in the front yard and seven (7) feet in all other locations. No barbed wire fence shall be constructed.
- b. At street and/or highway intersections, no wall, fence, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two (2) points located at the respective right-of-way lines, twenty-five (25) feet distance from their point of intersection.
- c. The requirements of Section 7, M. shall be met. (7/12)

Approval Process of Each Phase of a Planned Unit Development

During the rezoning process, the developer shall provide a preliminary proposal to the zoning commission and township trustees for the parcel of land proposed to be rezoned to the "R-E" Residential Estate District. This preliminary proposal shall be sufficient in detail to assist the zoning officials and the general public in understanding the conceptual layout of the planned unit development, including prescribed density and open space calculations, clustering of units, setbacks, and commercial uses.

Suggestions offered concerning the preliminary proposal, by the zoning officials and the general public, should be given strong consideration by the developer when the final development plan is prepared.

Once the property is rezoned by the township trustees to the "R-E" Residential Estate District, as provided for in Section 8 of this Resolution, the following procedure shall be followed.

1. Application to the Zoning Inspector
 - a. An application for a planned unit development phase shall be submitted to the zoning inspector. The application shall be executed by or on behalf of all of the owners of all the land to be included in the planned unit development. A filing fee, as determined by the trustees, shall be submitted with the application.

2. Data Required with Application
 - a. The application for approval of a planned unit development phase shall include ten (10) copies of a development plan, drawn at a scale of 1"= 100' and shall include the following information:
 1. The location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed should be identified. A legal description of the area involved in the planned unit development phase is required.
 2. The density of land use to be developed, the type of dwelling unit, the proposed commercial uses, and the location of the required open space shall be presented in tabular form and also clearly shown on the plans.
 3. The location, function, ownership, and manner of maintenance of common open space areas shall be shown.
 4. The use, general outline, location, and maximum height of all buildings and other structures shall be identified. The plan shall list and show the exact use, height, floor area, number of each type of dwelling units, and the outline and location of all buildings and structures, including accessory buildings.
 5. The land to be dedicated to each dwelling building or commercial use and the areas of common open space shall be listed and displayed and the exact areas of common open space used to justify the density proposed.
 6. Conceptual plans for drainage, landscaping,

- preservation of vistas, natural features, groundwater supply and aquifer shall be included.
7. Conceptual plans for the disposal of sanitary wastewater and storm water, and for the supply of all other utilities, including water shall be submitted.
 8. The proposed schedule of site development, construction of structures, and associated facilities including sketches showing the design principles and concepts to be followed shall be identified.
 9. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property shall be shown. Proposed intersection improvements shall be shown. The zoning commission and township trustees may dictate such improvements as part of their review.
 10. The location and size of walkways, plazas, public areas, fences and signs, and of landscaping and planting shall be identified.
 11. The substance of covenants, deed restrictions, grants, or easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities, and for maintenance of common open space, common facilities, private streets, drives and other infrastructure of the planned unit development shall be filed.
 12. A plan for landscaping or other maintenance of all areas not immediately developed must be identified.
 13. Other information, as may be required by the township zoning commission or township trustees, in order to determine compliance with this resolution will be provided.
 14. An overall plan of the entire planned unit development delineating each phase so that the township can understand the interrelationships between the various phases.
- b. Upon initial review, any additional information, as may be required by the township zoning commission or township trustees in order to determine compliance with this resolution, shall be provided.

3. Basis of Approval

- a. The township zoning commission shall review and hold public hearings on the application. It shall base its review of the planned unit development on the following considerations:
 1. The proposed development will be initiated within two (2) years from the date of approval.
 2. Each individual phase of the development, as well as the total development, can exist as a independent phase capable of creating an environment of sustained desirability and stability, and that adequate assurance is provided that such objective will be attained.
 3. The uses proposed will not be detrimental to present

- and potential surrounding uses, but will have a beneficial effect.
4. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as not to overload the street network outside the planned unit development. Required improvements shall be made prior to any construction occurring.
 5. Any appropriate commercial development at the locations proposed.
 6. Any exception from standard district requirements is warranted by the design and other amenities to be incorporated in the planned unit development and is in accord with the adopted policy of the zoning commission and the board of township trustees.
 7. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 8. The planned unit development is compatible with the comprehensive plan of the township and can be reasonably integrated into the comprehensive plan.
 9. The existing and proposed utility services are adequate for the population density and the nonresidential uses proposed.
 10. That the benefits, improved arrangements, and the design of the proposed planned unit development justify the deviation from standard residential development requirements included in this resolution.
 11. The zoning commission may require such changes or modifications in the planned unit development, as are needed to achieve conformity to the standards as herein specified.
- b. Upon the finding by the zoning commission that all of the standards as herein specified have been met, it may recommend approval of the planned unit development to the township trustees. It shall also, where it deems appropriate and necessary, recommend those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.
- c. A public hearing by the board of township trustees shall be held within thirty (30) days after receipt of the recommendation of the zoning commission. The board of township trustees shall review the application. It shall base its approval of a phase of a planned unit development on the same criteria as listed for the zoning commission.
- d. Within twenty (20) days after such hearing is concluded, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission, or adopt some modification thereof.
- e. The planned unit development approved as a result of the application is to be a binding plan, not subject to change by the owner or developer after its approval and acceptance, except for minor deviation permitted herein.

- f. Unless a deviation from a regulation in the township's zoning resolution, otherwise applicable to the property, is shown in the approved planned unit development, such regulation shall not be assumed to be waived.

4. Election by Property Owner

- a. The property owner shall notify the township trustees within thirty (30) days after approval of the planned unit development by the board of trustees, to have the planned unit development regulations and plan that was approved apply to the property included in the planned unit development.
- b. Limitations and restrictions on uses of some lands and buildings as compared to others in this or another planned unit development are accepted and are not a basis for appeals for variances.
- c. Such notification shall be irrevocable and binding on the property owner, his successors and assigns. Failure to so notify the township trustees in the timeframe noted shall revoke the planned unit development approval, and all the land shall revert to the zoning district to which it was assigned prior to the rezoning request to the "R-E" District.

5. Other Approvals

- a. For such parts of the planned unit development that are proposed to be subdivisions, the Ottawa County requirements must also be met, including specifications and performance bonds or escrow funds for construction of water, sewer, streets, roads, and drainage.
- b. The approval of the planned unit development by the township trustees does not imply approval by any other agency with jurisdiction over the development of the property. Approvals by county, state, and federal agencies must be obtained before proceeding with the planned unit development.

6. Expanding a PUD

- a. An existing planned unit development may be expanded onto a contiguous or adjoining parcel of land once that parcel is rezoned to the "R-E" District. The plan for the expansion will be required to follow the procedures prescribed for a new PUD.
- b. The expansion onto the adjoining parcel will meet the density requirements based upon the Catawba Island Land Use Plan.
- c. In cases where previous phases of the planned unit development did not use all of the permitted density that was allowed, that surplus density may be used on the adjoining property with the approval of the township trustees.

7. Minor Deviations

- a. Minor changes in the location or siting of buildings, structures, streets, or parking areas, or in the areas of open space after approval of a planned unit development by the board of township trustees shall not be made without approval by the board of township trustees.
- b. The board of township trustees may hear and may approve by majority vote such change at any public meeting if such change is made necessary by engineering or other circumstances not foreseen at the time the planned unit development was approved. No change approved by the board of township trustees or cumulative change resulting from a series of changes may cause a change in the use or character of the development or any of the following:
 1. An increase in the density of dwelling units by more than two (2) percent.
 2. A reduction in common open space or in visual open space.
 3. An increase in problems of vehicular or pedestrian traffic circulation or safety, or of utilities.
 4. A reduction of off-street parking or loading space.
 5. A reduction in approved pavement widths.
 6. A reduction of more than five (5%) percent in structural setbacks from the planned unit development's boundary.
- c. All other changes or cumulative changes not meeting the above standard shall require a public hearing with notification to the adjoining property owners. The changes must be requested through the submission of a formal written request identifying the area affected.

8. Default

- a. If no significant construction has begun within two (2) years after approval of a planned unit development, it shall be void, unless an extension of the time limit of the approved planned unit development is approved by the board of township trustees, after submission of a written request identifying the basis for the time extension, and a finding by the board of township trustees that such extension is not in conflict with the public interest.
- b. If construction is started but amenities, roads and drives, sewer, water, drainage, utilities, and landscaping are not done in accordance with the approved planned unit development, the board of township trustees may require of the owner that it be done forthwith. (8/06)

The following regulations shall apply in the "R-A" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Agriculture.
 - b. One-family dwelling, permanent use.
 - c. Churches or other places of worship.
 - d. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 - e. Public facilities owned or operated by public agencies.
 - f. Home occupations, as defined in Section 3.
 - g. Accessory buildings.

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Golf course to include associated amenities such as swimming pools which may be granted by Board of Appeals but not a miniature course.
 - b. Hospitals or institutions, provided that the site is five (5) acres or more in size, the building does not occupy more than twenty (20) percent of the total lot area, and the greater of the minimum front, rear, and side yard setbacks established below or a minimum setback from each lot line of at least two (2) feet for each foot of building height is provided.
 - c. Nursing homes.
 - d. Non-commercial community building, recreational fields, swimming pools, or mooring basin owned, operated, and used exclusively by residents of abutting properties or subdivision.
 - e. Bed and Breakfast Inn as provided for in Section 7 of this Resolution.
 - f. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - g. Public parking areas on a lot abutting any "C" or "M" District when located and developed as required in Section 5.

3. Lot Area, Width, and Depth: Every lot shall have a minimum width of one hundred (125) feet and a minimum depth of one hundred and twenty-five (125) feet; however, it shall have a minimum area of not less than twenty-two thousand (22,000) square feet.

4. Front Yard: There shall be a front yard of not less than forty (40) feet, except as provided in Section 7, A.

5. Side Yard: There shall be a side yard of not less than ten (10) feet, except as provided in Section 7, A, 2.

6. Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet. (7/96)

7. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein. The total area covered by all buildings and structures shall not exceed thirty (30) percent of the actual land area excluding street right-of-way and land under five hundred seventy four (574) feet above sea level.

One Story	1,400 square feet
One & One-Half Story	900 square feet on the first floor
Two or More Stories	950 square feet on each of the first two floors

Does not include open or enclosed porches, patios, breezeways, & garages.

8. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.

9. Off-Street Parking: Shall be provided as required in Section 5 as listed herein:

- a. One-family dwellings: Two (2) parking spaces per dwelling unit.
- b. Churches and schools: One (1) parking space for each four (4) seats in the main auditorium.
- c. Hospitals or institutions: One (1) parking space for each eight hundred (800) square feet of floor area.

10. Accessory Buildings: Lot coverage for all buildings, principal and accessory, is limited to thirty (30) percent of the actual lot area. The cumulative square footage of all accessory buildings will be the lot coverage remaining after the square footage of the principal building is subtracted or 950 square feet, whichever is smaller.

Accessory buildings not exceeding fifteen (15) feet in height are permitted in the side or rear yard. No accessory building shall be closer to a road right-of-way than a main building may be, closer than five (5) feet to any main building, nor closer than five (5) feet to side or rear lot lines.

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings (except as provided in Section 7, A, 2).

11. Signs: As required by Section 7 C, non-illuminated, and as provided herein.

- a. For one-family dwellings, one (1) name plate not exceeding one and one-half (1½) square feet in area, including the name and address of the occupant and one (1) sign not exceeding one and one-half (1½) square feet in area indicating the name and permitted home occupation of the occupant.
- b. For buildings other than dwellings and accessory structures, a single identification sign not exceeding twelve (12)

square feet in area and indicating only the name and address of the building and the name of the management thereof.

- c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area including the supporting structures.
- d. Directional signs not exceeding one and one-half (1½) square feet in area.

12. Fences: The following conditions shall apply to fences:

- a. Fences or hedges may not exceed four (4) feet in height in the required front yard and may not exceed seven (7) feet in height in any other location on a lot. However, no barbed wire fence shall be constructed; and
- b. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within a triangular area formed by connecting with a straight line, two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
- c. The requirements of Section 7, M. shall be met. (7/12)

13. Swimming Pools Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed except as an accessory use and unless it complies with the following conditions and requirements:

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
- b. It may not be located closer than the required setback line for the District in which it is located; and
- c. The swimming pool or the entire property on which it is located shall have a wall, fence, or barrier at least four feet in height to prevent uncontrolled access from the street or adjacent property. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements.

14. Parking Exceptions: Only one (1) automotive vehicle or recreational vehicle of any type without current license plates shall be parked or stored on any lot other than in a completely enclosed building. Parking or storage must be in the rear yard.

15. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two or more adjacent Districts which extend onto

submerged lands shall be separated by extension of their above
water common boundary line. (8/06)

The following regulations shall apply in the "R-1" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided for in Section 10, of this Resolution.
 - a. Agriculture.
 - b. One-family dwelling, **permanent use. (8/06)**
 - c. Churches or other places of worship.
 - d. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 - e. Public facilities owned or operated by public agencies. (6/91)
 - f. Home occupations, as defined in Section 3.
 - g. Automobile parking spaces shall be provided as required in Section 5.
 - h. Accessory buildings.

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Golf course to include associated amenities such as Swimming pools which may be granted by Board of Appeals but not a miniature course.
 - b. Hospitals or institutions, provided that the site is five (5) acres or more in size, the building does not occupy more than twenty (20) percent of the total lot area, and a setback from all yard lines of at least two (2) feet for each foot of building height is provided.
 - c. Nursing homes.
 - d. Non-commercial community building, recreational fields, swimming pools, or mooring basin owned, operated, and used exclusively by residents of abutting properties or subdivision.
 - e. Bed and Breakfast Inn as provided for in Section 7 of this Resolution.
 - f. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - g. **Wind powered electric generator, low impact. (8/06)**
 - h. **Public parking areas on a lot abutting any "C" or "M" District when located and developed as required in Section 5. (8/06)**

3. Lot Area, Width, and Depth: Every lot shall have a minimum width of one hundred (100) feet and a minimum depth of one hundred and twenty-five (125) feet; however, it shall have a minimum area of not less than fifteen thousand (15,000) square feet. A lot of less area or width which was so recorded at the time of the adoption of this Resolution and the owner thereof owns no adjoining land, may be occupied by any permitted use. Measurements of lot area shall be made to the street right-of-way.

4. Front Yard: There shall be a front yard of not less than forty (40) feet, except as provided in Section 7, A.

5. Side Yard: There shall be a side yard of not less than ten (10) feet, except as provided in Section 7, A, 2.

6. Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet. (7/96)
7. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein. The total area covered by all buildings and structures shall not exceed thirty (30) percent of the actual land area excluding street right-of-way and land under five hundred seventy four (574) feet above sea level.

One Story	1,200 square feet (7/96)
One & One-Half Story	1,000 square feet on the first floor (7/96)
Two or More Stories	750 square feet on each of the first two floors (7/96) (8/06)

Does not include open or enclosed porches, patios, breezeways, & garages.

8. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
9. Off-Street Parking: Shall be provided as required in Section 5 as listed herein:
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Churches and schools: One (1) parking space for each four (4) seats in the main auditorium.
 - c. Clubs and lodges: One (1) parking space for each five (5) members.
 - d. Hospitals or institutions: One (1) parking space for each eight hundred (800) square feet of floor area.
10. Accessory Buildings: **Lot coverage for all buildings, principal and accessory, is limited to thirty (30) percent of the actual lot area. The cumulative square footage of all accessory buildings will be the lot coverage remaining after the square footage of the principal building is subtracted or 950 square feet, whichever is smaller.** (8/06)

Accessory buildings not exceeding fifteen (15) feet in height are permitted in the side or rear yard. No accessory building shall be closer to a road right-of-way than a main building may be, closer than five (5) feet to any main building, nor closer than five (5) feet to side or rear lot lines.

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings (except as provided in Section 7, A, 2).

11. Signs: As required by Section 7 C, non-illuminated, and as provided herein.
 - a. For one-family dwellings, one (1) name plate not exceeding one and one-half (1-1/2) square feet in area, including the name and address of the occupant and one (1) sign not exceeding one and one-half (1 1/2) square feet in area indicating the name and permitted home occupation of the occupant.

- b. For buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof.
 - c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area including the supporting structures.
 - d. Directional signs not exceeding one and one-half (1 1/2) square feet in area.
12. Fences: The following conditions shall apply to fences:
- a. Fences or hedges may not exceed four (4) feet in height in the required front yard and may not exceed seven (7) feet in height in any other location on a lot. However, no barbed wire fence shall be constructed; and
 - b. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within a triangular area formed by connecting with a straight line, two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - c. **The requirements of Section 7, M. shall be met. (7/12)**
13. Swimming Pools Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed except as an accessory use and unless it complies with the following conditions and requirements:
- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
 - b. It may not be located closer than the required setback line for the District in which it is located; and
 - c. The swimming pool or the entire property on which it is located shall have a wall, fence, or barrier to prevent uncontrolled access from the street or adjacent property. Such fence or wall shall be maintained in good condition with a gate and lock.
- Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)**
14. Parking Exceptions: Only one (1) automotive vehicle or recreational vehicle of any type without current license plates shall be parked or stored on any lot other than in a completely enclosed building. Parking or storage must be in the rear yard.
15. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two or more adjacent Districts which extend onto

submerged lands shall be separated by extension of their above
water common boundary line.

"R-2"

RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-2" District:

Same as the "R-3" District. (7/96)

The following regulations shall apply in the "R-3" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided for in Section 10, B of this Resolution. (7/96)
 - a. Agriculture.
 - b. One-family dwelling, **permanent use. (8/06)**
 - c. Churches or other places of worship.
 - d. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 - e. Public facilities owned or operated by public agencies. (6/91)
 - f. Home occupations, as defined in Section 3.
 - g. Automobile parking spaces shall be provided as required in Section 5.
 - h. **Floating dwellings community/moorage, subject to the supplemental conditions established in Section 7, 1 of this Resolution. (9/08)**
 - i. Accessory buildings.

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Hospitals or institutions, provided that the site is five (5) acres or more in size, the building does not occupy more than twenty (20) percent of the total area, and a setback from all yard lines of at least two (2) feet for each foot of building is provided.
 - b. Nursing homes.
 - c. Non-commercial community buildings, recreational fields, swimming pools, or mooring basin owned, operated, and used exclusively by residents of abutting properties or subdivision.
 - d. Bed and Breakfast Inn as provided for in Section 7 of this Resolution.
 - e. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - f. **Public parking areas on a lot abutting any "C" or "M" District when located and developed as required in Section 5. (8/06)**

3. Lot Area, Width, and Depth: Every lot shall have a minimum width of eighty (80) feet, and a minimum depth of one-hundred twenty-five (125) feet, however, it shall have a minimum area of not less than eleven thousand (11,000) square feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution and the owner thereof owns no adjoining land, may be occupied by any use permitted in this Section. Measurements of lot area shall be made to the street right-of-way line. (7/96)

4. Front Yard: There shall be a front yard of not less than thirty-five (35) feet, except as provided in Section 7, A.
5. Side Yard: There shall be a side yard of not less than ten (10) feet, except as provided in Section 7, A, 2.
6. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet. (7/96)
7. Dwelling Size: Shall be provided as required in Section 7, F, and as specified herein.

One-story	1,200 square feet (7/96)
One and One-Half Story	1,000 square feet on the first floor (7/96)
Two or More Stories	750 square feet on each of the first two floors (7/96) (8/06)

Does not include open or enclosed porches, patios, breezeways, and garages. The total area covered by all buildings and structures shall not exceed thirty-six (36) percent of the actual land area excluding street right-of-way and land under 574 feet above sea level.

8. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
9. Off-Street Parking: Shall be provided as required by Section 5 and as listed herein.
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Churches and schools: One (1) parking space for each four (4) seats in the main auditorium.
 - c. Clubs and lodges: One (1) parking space for each five (5) members.
 - d. Hospitals or institutions: One (1) parking space for each eight hundred (800) square feet of floor area.
10. Accessory Buildings: **Lot coverage for all buildings, principal and accessory, is limited to thirty-six (36) percent of the actual lot area. The cumulative square footage of all accessory buildings will be the lot coverage remaining after the square footage of the principal building is subtracted or 750 square feet, whichever is smaller.** (8/06)

Accessory buildings not exceeding fifteen (15) feet in height are permitted in the rear or side yard. No accessory building shall be closer to a road right-of-way than a main building may be, closer than five (5) feet to any main building, nor closer than five (5) feet to side or rear lot lines, except as provided in Section 7, A, 2.

11. Signs: As required by Section 7, C, non-illuminated and as provided herein.
- a. For one-family dwellings, one (1) name plate not exceeding one and one-half (1 1/2) square feet in area including the name and address of the occupant and one (1) sign not exceeding one and one-half (1 1/2) square feet in area indicating the name and permitted home occupation of the occupant.
 - b. For buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof.
 - c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area including the supporting structures.
 - d. Directional signs not exceeding one and one-half (1 1/2) square feet.

12. Fences: The following conditions shall apply to fences:

- a. Fences or hedges may not exceed four (4) feet in height in the required front yard and may not exceed seven (7) feet in height in any other location on the lot. However, no barbed wire fence shall be constructed; and
- b. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within a triangular area formed by connecting with a straight line two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
- c. **The requirements of Section 7, M. shall be met. (7/12)**

13. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one-hundred (100) square feet, shall be allowed except as an accessory use and unless it complies with the following conditions and requirements:

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
- b. It may not be located closer than the required setback line for the District in which it is located; and
- c. The swimming pool or the entire property on which it is located shall have a wall, fence, or barrier to prevent uncontrolled access from the street or adjacent property. Such fence or wall

shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)

14. Parking Exceptions: Only one (1) automotive vehicle or recreational **vehicle (7/12)** of any type without current license plates shall be parked or stored on any lot other than in a completely enclosed building. Parking or storage must be in the rear yard.
15. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary line.

The following regulations shall apply in the "R-4" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Agriculture.
 - b. One-family dwellings, **permanent use. (8/06)**
 - c. Churches or other places of worship.
 - d. Public schools, elementary and high, and private schools having a curriculum similar to public schools.
 - e. Public facilities owned and operated by public agencies. (6/91)
 - f. Home occupation as defined in Section 3.
 - g. Automobile parking spaces shall be provided as required in Section 5.
 - h. Multi-Family dwellings.
 - i. Accessory buildings.
 - j. Multiple dwelling buildings containing one (1) or more dwellings. (6/91)
 - k. Condominium development. (12/89)
 - l. **Floating dwellings community/moorage, subject to the supplemental conditions established in Section 7, 1 of this Resolution. (9/08)**

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Hospitals or institutions, provided that the site is five (5) acres or more in size, the building does not occupy more than twenty (20) percent of the total lot area, and a setback from all yard lines of at least two (2) feet for each foot of building height is provided.
 - b. Nursing homes.
 - c. Non-commercial community buildings, recreational fields, swimming pools, or mooring basin owned, operated, and used exclusively by residents of abutting properties or subdivision.
 - d. Bed and Breakfast Inn as provided for in Section 7 of this Resolution.
 - e. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - f. **Public parking areas on a lot abutting any "C" or "M" District when located and developed as required in Section 5. (8/06)**

3. Lot Area, Width, and Depth (Excluding Multiple Family Dwellings or Condominiums): Every lot shall have a minimum width of eighty (80) feet; and a minimum depth of one-hundred and twenty-five (125) feet; however, it shall have a minimum area of not less than eleven thousand (11,000) square feet. A lot of less area or width which was recorded at the time of the adoption of this Resolution, as amended, and the owner thereof

Two or More Stories floor (7/96)
500 square feet on each of
the first two floors
(7/96) (8/06)

Does not include open or enclosed porches, patios, breezeways, and garages. The total area covered by all buildings and structures (not including parking lots) shall not exceed thirty-nine (39) percent of the actual land area excluding street right-of-way and land under 574 feet above sea level.

10. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
11. Open Space: A minimum of ten (10) percent of all land included in the development shall be set aside for open space. Open space shall consist of natural areas including grass, trees, and the like and shall not include recreational facilities or submerged land. (12/89)
12. Off-Street Parking: Shall be provided as required by Section 5 and as listed herein.
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit including seasonal units.
 - b. Multi-family dwelling or condominium: Two (2) parking spaces per dwelling unit.
 - c. Churches and schools: One (1) parking space for each four (4) seats in the main auditorium.
 - d. Clubs and lodges: One (1) parking space for each five (5) members.
 - e. Hospitals or institutions: One (1) space for each eight-hundred (800) square feet of floor area.
13. Accessory Building: Accessory buildings not exceeding fifteen (15) feet in height shall occupy a total area of not more than five-hundred (500) square feet per dwelling unit. No accessory building shall be closer to the front line than the main building may be, closer than five (5) feet to any main building, nor closer than twenty (20) feet to any other lot line, except as provided in Section 7, A, 2.

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings.

14. Signs: As required by Section 7, C. non-illuminated and as provided herein.
 - a. For one (1) family dwellings including seasonal dwellings, one (1) name plate not exceeding one and one-half (1 1/2) square feet in area, including the name and address of the occupant and one (1) sign not exceeding one and one-half (1 1/2) square

- feet in area indicating the name and permitted home occupation of the occupant.
- b. For multi-family dwellings or condominiums and for buildings other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof.
 - c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area including the supporting structure.
 - d. Directional signs not exceeding one and one-half (1 1/2) square feet.
15. Fences: The following conditions shall apply to fences:
- a. Fences or hedges may not exceed four (4) feet in height in the required front yard and may not exceed seven (7) feet in height in any other location on the lot. However, no barbed wire fence shall be constructed; and
 - b. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within a triangular area formed by connecting with a straight line two (2) points locating on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - c. **The requirements of Section 7, M. shall be met. (7/12)**
16. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one-hundred (100) square feet, shall be allowed except as an accessory use and unless it complies with the following conditions and requirements:
- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
 - b. It may not be located closer than the required setback line for the District in which it is located; and
 - c. The swimming pool or the entire property on which it is located shall have a wall, fence, or barrier to prevent uncontrolled access from the street or adjacent property. Such fence or wall shall be maintained in good condition with a gate and lock.
- Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)**
17. Parking Exceptions: Only one (1) automotive vehicle or recreational **vehicle (7/12)** of any type without current license plates shall be parked or stored on any lot

or storage may be in the rear yard.

18. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary line.

"R-5" RESIDENTIAL DISTRICT

The following regulations shall apply in the "R-5" District:

Same as "R-4" Residential District.

The following regulations shall apply in the "R-6" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided in Section 10, B of this Resolution.
 - a. One-family dwellings, **permanent use. (8/06)**
 - b. Churches and other places of worship.
 - c. Public schools, elementary and high, and private schools having a curriculum similar to public schools.
 - d. Home occupations as defined in Section 3.
 - e. Condominium developments.
 - f. Multi-family dwellings.
 - g. Accessory dwellings.
 - h. Multiple buildings containing dwelling units. (6/91) (8/20/92)
 - i. **Floating dwellings community/moorage, subject to the supplemental conditions established in Section 7, 1 of this Resolution. (9/08)**

2. Conditional Uses: Subject to approval as provided in Section 6 of this Resolution.
 - a. Non-commercial community buildings, recreational fields, swimming pools, or mooring basin owned, operated, and used exclusively by residents of abutting properties or subdivision.
 - b. Bed and breakfast inn as provided for in Section 7 of this Resolution. (3/14/02)
 - c. **Public parking areas on a lot abutting any "C" or "M" District when located and developed as required in Section 5. (8/06)**

3. Lot Area, Width, and Depth (Excluding Condominium and Multi-Family Developments): Every lot shall have a minimum width of one-hundred (100) feet and a minimum depth of one hundred and twenty-five (125) feet; however, it shall have a minimum area of not less than twenty thousand (20,000) square feet. Lot area excludes dedicated right-of-way and land below 574 feet above sea level.

4. Lot Area, Width, and Depth of Condominium or Multi-Family Developments: Every lot for condominium or multi-family developments shall have a minimum lot width of one hundred fifty (150) feet and a minimum depth of one hundred fifty (150) feet; however, it shall have a minimum area of not less than one (1) acre per condominium development/condominium declaration or multi-family development. The minimum lot area per dwelling unit shall be twenty thousand (20,000) square feet for the first unit and eleven thousand (11,000) square feet for each additional unit for each condominium development- condominium declaration or multi-family development, but every separate building used as dwelling space shall be in an area of land not smaller than ten thousand (10,000)

square feet. All lands used for calculating the number of dwelling units permitted shall be identified in the Zoning Permit and none of those lands shall be sold separately, or diverted to other use, or counted again to justify more units. A copy of the Zoning Permit showing the restrictions on use of the lands so counted shall be filed with the County Recorder under the General Docket. Measurements of lot area shall be made to the street right-of-way line and excludes dedicated right-of-ways and land below 574 feet above sea level. (12/89)

5. Front Yard: There shall be a front yard of not less than forty (40) feet, except as provided in Section 7, A.
6. Side Yard: There shall be a side yard of not less than thirty-five (35) feet for condominium, multi-family developments, or single-family dwellings on lots greater than one-hundred twenty (120) feet wide. For single-family dwellings on lots less than one hundred twenty (120) feet wide, there shall be a side yard of not less than ten (10) feet, except as provided in Section 7, A, 2. (6/88).
7. Rear Yard: There shall be a rear yard of not less than thirty-five (35) feet. (7/96)
8. Building Separation: Buildings designed for living purposes shall be separated from each other by a minimum distance of thirty-five (35) feet.
9. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein.

One Story	1,200 square feet (7/96)
One and One Half Story	1,000 square feet on the first floor (7/96)
Two or More Stories	750 square feet on each of the first two floors (7/96) (8/06)

The total area covered by all buildings and structures (not including parking lots) shall not exceed thirty (30) percent of the actual lot area excluding street right-of-way and land under 574 feet above sea level.

10. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves. The maximum pitch from the thirty (30) foot point to the peak shall not exceed an 8:12 pitch.
11. Open Space: A minimum of ten (10) percent of all land included in the condominium declaration or multi-family development shall be set aside for open space. Open space shall consist of natural areas including grass, trees, and the like and shall not include recreational facilities or submerged land.
12. Parking Requirements: Each dwelling must be provided with two (2) parking spaces. All other requirements of Section 5 shall be met.

13. Accessory Buildings: Accessory buildings not exceeding fifteen (15) feet in height shall occupy in total area not more than five-hundred (500) square feet per dwelling unit. No accessory building shall be closer than sixty (60) feet to the front lot line, closer than twenty (20) feet to any main building, nor closer than thirty-five (35) feet to any other lot line.

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings, except as provided in Section 7, A, 2.

14. Non-Illuminated Signs Permitted in the "R-6" District:

- a. For one-family dwellings, one (1) name plate not exceeding one and one-half (1 1/2) square feet in area including the name and address of the occupant and one (1) sign not exceeding one and one-half (1 1/2) square feet in area indicating the name and permitted home occupation of the occupant.
- b. Directional signs not exceeding one and one-half (1 1/2) square feet in area.
- c. All other requirements of Section 7, C.

15. Fences: The following conditions shall apply to fences:

- a. Fences or hedges may not exceed four (4) feet in height in the required front yard and may not exceed seven (7) feet in height in any other location on the lot. However, no barbed wire fence shall be constructed.
- b. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line two (2) points located on the respective edge of the pavement, twenty-five (25) feet distance from their point of intersection.
- c. **The requirements of Section 7, M. shall be met. (7/12)**

16. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area less than one-hundred (100) square feet, shall be allowed except as an accessory use and unless it complies with the following conditions and requirements.

- a. The pool is intended and is to be used solely for the occupants of the property on which it located;
- b. It may not be located closer than the required

setback line for the District in which it is located; and

- c. The swimming pool or the entire property on which it is located shall have a wall, fence, or barrier to prevent uncontrolled access from the street or adjoining property. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)

17. Parking Exceptions: Only one (1) automotive vehicle or recreational vehicle of any type without current license plates shall be parked or stored on any lot other than in a completely enclosed building. Parking or storage must be in the rear yard.
18. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above common boundary line.

The following regulations shall apply in the "C-1" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided for in Section 10, B of this Resolution. (5/21/93)
 - a. Agriculture.
 - b. Churches or other places of worship.
 - c. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 - d. Public facilities owned or operated by public agencies. (6/91)
 - e. Accessory buildings and uses.
 - f. Automobile parking spaces shall be provided as required in Section 5.
 - g. Neighborhood business as defined in Section 3.
 - h. Professional activities including doctors, dentists, attorneys, real estate, insurance, architects, and engineers. (7/96)
 - i. Public uses including public parks, schools, public administrative offices, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment or materials.
 - j. Public service facilities including all utilities and railroads whether public or private and encompassing electric, natural gas, water, and sewer facilities.
 - k. Parking areas and garages when located as required in Section 5.
 - l. Child day care center. (7/97)

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Business offices and banks.
 - b. Taverns and restaurants.
 - c. Semipublic uses, including churches, Sunday Schools, hospitals, and colleges, other institutions of an educational, religious, charitable or philanthropic nature.
 - d. Snack bar.
 - e. Automobile and trailer service stations, garages, vehicle sales and rentals provided that activities other than the pumping of gasoline and displays are in an enclosed building. (8/20/92)
 - f. Cemeteries or mausoleums.
 - g. Multiple-family dwellings/condominium developments (7/97)
 - h. Privately operated community buildings, recreational fields, swimming pools, or mooring basin owned and operated by neighborhood organizations.
 - i. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - j. One-family dwellings, **permanent use.** (5/21/93) (8/06)

- k. Home occupations, as defined in Section 3. (5/21/93)
 - l. Bed and breakfast. (7/97)
 - m. Hotels & motels.
3. Lot Area: 10,000 square feet minimum; buildings used exclusively or partly for dwelling purposes shall comply with the following "R-4" District requirements:

Lot Area, Lot Width, Lot Depth, Front Yard, Side Yard, Rear Yard, Building Separation, Open Space, Off-Street Parking, Accessory Buildings and Parking Exception.
(03/03)
 4. Front Yard: 60 feet minimum; for lots adjacent to major streets, the requirements of Section 7, A, shall apply.
(7/97)
 5. Side Yard: There shall be a side yard of not less than twenty (20) feet.
 6. Rear Yard: 20 feet minimum; for through lots with frontage on two streets, the front yard requirement shall apply for both.
 7. Lot Width: 60 feet minimum width and 100 feet minimum depth.
 8. Off-Street Parking: Shall be provided as required in Section 5 and as listed herein.
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Churches and schools: One (1) space for every four (4) seats in the main auditorium.
 - c. Commercial buildings: One (1) parking space for each two hundred (200) square feet of floor space.
 9. Parking Exception: If the off-street parking for the commercial use adjoins a "A" or "R" District, it shall not be located within the required front yard for a distance of not less than fifty (50) feet from the boundary of the "A" or "R" District, nor shall the off-street parking be located within seven (7) feet of the boundary of the District.
 10. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
 11. Accessory Buildings: Accessory buildings not exceeding twenty (20) feet in height shall occupy in total area not more than thirty (30) percent of the actual lot area **or 2,000 square feet, whichever is smaller**, but no accessory building shall be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line. No accessory building shall be closer than twenty (20) feet to any lot line of an adjoining residential district.
(8/06)

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings. (7/97)

12. Signs: Shall be provided as stated in Section 7, C. and as stated herein.
 - a. Free-standing, portable, and projecting identification or projecting advertising signs located at the place of business may be erected, provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet in area. Both sides of any sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall not be less than nine (9) feet above the finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet in area, whichever is smaller. This sign area is in addition to the area permitted in "a" above or in exempt signs.
 - d. On lots abutting any "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.
 - e. Commercial outdoor advertising signs and their structures shall be setback from the established right-of-way line of any street or highway at least as far as the specific front yard requirement of the District in which it is located except for modifications f, g, and h below.
 - f. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
 - g. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall not be less than fifty (50) feet from the established right-of-way of each street or highway.
 - h. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for the District in which the sign is erected.

13. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed except as an accessory use and unless it complies with the following conditions:
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants of the

- b. property on which it is located;
It may not be located closer than the required setback line for the District in which it is located; and
- c. The swimming pool, or the entire property on which it is located shall have a fence, wall or barrier to prevent uncontrolled access from the street or adjacent properties. Such fence or well shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)

14. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above-water property. Two or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary.

15. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein. (7/97)

One Story	1,000 square feet (7/97)
One and One-Half Story	800 square feet on the first floor (7/97)
Two or More Stories	500 square feet on each of the first two floors (8/06)

Does not include open or enclosed porches, patios, breezeways, & garages.

16. Fences: The following condition shall apply to fences:

- a. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
- b. **The requirements of Section 7, M. shall be met. (7/12)**

The following regulations shall apply in the "C-2" District:

1. Uses Permitted: The following uses are permitted. A zoning certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Agriculture.
 - b. One-family dwellings, **permanent use. (8/06)**
 - c. Churches or other places of worship.
 - d. Public schools, elementary & high, and private schools having a curriculum similar to a public school.
 - e. Public facilities owned or operated by public agencies. (6/91)
 - f. Home occupations, as defined in Section 3.
 - g. Accessory buildings and uses.
 - h. Automobile parking spaces shall be provided as required in Section 5.
 - i. Neighborhood business as defined in Section 3.
 - j. Professional activities including doctors, dentists, attorneys, real estate, insurance, architects, and engineers. (7/96)
 - k. Public uses including public parks, schools, public administrative offices, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment or materials.
 - l. Public service facilities including all utilities and railroads whether public or private and encompassing electric, natural gas, water, and sewer facilities.
 - m. Parking areas and garages when located as required in Section 5.
 - n. Business services including services to commercial or industrial enterprises or which repairs appliances and machines used in homes or business.
 - o. Offices and banks.
 - p. Retail sales and businesses (including furniture, appliances, supermarkets, wall and floor coverings, dry goods, apparel, and building materials, if conducted wholly within enclosed buildings.
 - q. Restaurants and taverns.
 - r. Semipublic uses (churches, Sunday Schools, hospitals, and colleges;
 - s. Other institutions of an educational, religious, charitable, athletic or philanthropic nature).
 - t. Theaters, (except drive-in theaters).
 - u. Shopping centers.
 - v. Automobile service stations provided that activities other than the pumping of gasoline are in an enclosed building.
 - w. Hotels, motels.
 - x. Automobile, trailer, and farm implement sales.
 - y. Wholesale business, when there is no processing, fabrication, or assembly.
 - z. Automobile, trailer, and farm implement repair shop.
 - aa. Social activities including lodges and fraternal organizations.
 - bb. Snack bar.
 - cc. Night clubs or dance halls with entertainment provided they are in an enclosed building.
 - dd. Office research and laboratory facilities.

- ee. Bakeries.
- ff. Multi-family dwellings/condominium developments. (7/97)
- gg. Mini storage buildings.
- hh. Child day care center. (7/97)

2. Conditional Uses: Subject to approval as provided in Section 6 of this Resolution.
 - a. Outdoor advertising.
 - b. Warehousing.
 - c. Dairies.
 - d. Printing and publishing.
 - e. Cemeteries and mausoleums.
 - f. Privately operated community buildings, recreational fields, swimming pools, or mooring basin owned and operated by neighborhood organizations.
 - g. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - h. Sexually oriented businesses. (7/97)
 - i. Bed and breakfast. (7/97)
3. Lot Area: 25,000 square feet minimum; buildings used exclusively or partly for dwelling purposes shall comply with the following "R-4" District requirements: (6/91)

Lot Area, Lot Width, Lot Depth, Front Yard, Side Yard, Rear Yard, Building Separation, Open Space, Off-Street Parking, Accessory Buildings and Parking Exception. (03/03)
4. Front Yard: 60 feet minimum; for lots adjacent to major streets, the requirements of Section 7, A shall apply.
5. Side Yard: 20 feet minimum.
6. Rear Yard: 40 feet minimum; for through lots, the front yard requirements shall be met for both areas of frontage.
7. Lot Width: 100 feet minimum and 125 foot minimum depth.
8. Off-Street Parking: Shall be provided as required in Section 5 and as listed herein.
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Churches and schools: One (1) space for each four (4) seats in the main auditorium.
 - c. Commercial buildings: One (1) parking space for each two hundred (200) square feet of floor space.
 - d. Clubs and lodges: One (1) parking space for every member.
 - e. Industrial buildings: One (1) parking space for every two (2) employees in the largest working shift.
9. Parking Exceptions: If the off-street parking for the commercial uses adjoins a "A" or "R" District, it shall not be located within the required front yard for a distance not less than fifty (50) feet from the boundary of the "A" or "R" District, nor shall the off-street parking be located within seven (7) feet of the boundary of the District.

10. Building Height: The maximum building shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
11. Accessory Buildings: Accessory buildings not exceeding twenty (20) feet in height shall occupy in total area not more than thirty (30) percent of **the actual lot area, or 2,000 square feet whichever is smaller**, but no accessory building shall be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line. No accessory building shall be closer than twenty (20) feet to any lot line of an adjoining residential district. (8/06)

Non-commercial boat docks shall be considered structures accessory to the principal use of the premises on which they are built. Their area shall be included in the total area permitted for accessory buildings. (7/97)

12. Signs: Shall be provided as stated in Section 7, C and as stated herein.
 - a. Freestanding, portable, and projecting identification or projecting advertising signs located at the place of business may be erected provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet in area. Both sides of any sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall not be less than nine (9) feet above the finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet, whichever is less. This sign area is in addition to the area permitted in a above or in exempt signs.
 - d. On lots abutting any "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.
 - e. Commercial outdoor advertising signs and their structures shall be set back from the established right-of-way line of any street or highway at least as far as the specific front yard requirements of the District in which it is located except for modifications f, g, and h below.
 - f. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
 - g. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall be not less than fifty (50) feet from the established right-of-way of each street or highway.
 - h. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for the District in which the sign is erected.

13. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed except as an accessory use and unless it complies with the following conditions:
- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
 - b. It may not be located closer than the required setback line for the District in which it is located; and
 - c. The swimming pool or the entire property on which it is located shall have a fence, wall, or barrier to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)

14. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting natural above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary.
15. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein. (7/97)

One Story	1,000 square feet (7/97)
One and One-Half Story	800 square feet on the first floor (7/97)
Two or More Stories	500 square feet on each of the first two floors (7/97) (8/06)

Does not include open or enclosed porches, patios, breezeways, and garages.

16. Fences: The following condition shall apply to fences:
- a. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - b. **The requirements of Section 7, M. shall be met. (7/12)**

The following regulations shall apply in the "C-3" District:

1. Uses Permitted: The following uses are permitted. A Zoning Certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Agriculture.
 - b. One-family dwellings, **permanent use. (8/06)**
 - c. Churches or other places of worship.
 - d. Public schools, elementary and high, and private schools having a curriculum similar to a public school.
 - e. Public facilities owned or operated by public agencies. (6/91)
 - f. Home occupations, as defined in Section 3.
 - g. Accessory buildings and uses.
 - h. Automobile parking spaces shall be provided as required in Section 5.
 - i. Theatres.
 - j. Neighborhood business as defined in Section 3.
 - k. Professional activities including doctors, dentists, attorneys, real estate, insurance, architects, and engineers. (7/96)
 - l. Public uses including public parks, schools, public administrative offices, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment or materials.
 - m. Public service facilities including all utilities and railroads whether public or private and encompassing electric, natural gas, water, and sewer facilities.
 - n. Parking areas and garages when located as required in Section 5.
 - o. Business services including services to commercial or industrial enterprises or which repairs appliances and machines used in homes or business.
 - p. Offices and banks.
 - q. Retail sales and businesses (including furniture, appliances, supermarkets, wall and floor coverings, dry goods, apparel, and building materials).
 - r. Restaurants, taverns, and snack bars.
 - s. Funeral homes or mortuaries.
 - t. Semipublic uses (churches, Sunday schools, hospitals and colleges; other institutions of an educational, religious, charitable or philanthropic nature).
 - u. Clubs, as defined in Section 3.
 - v. Automobile Service stations provided that activities other than the pumping of gasoline are in an enclosed building.
 - w. Mini Storage Buildings.
 - x. Miniature Golf Course.
 - y. Child day care center. (7/97)

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution:
 - a. Wholesale business, when there is no processing, fabrication, or assembly.
 - b. Printing and publishing.

- c. Animal hospitals and kennels.
 - d. Bakeries and dairies.
 - e. Hotels, motels, cottages, or lodging houses.
 - f. Social activities including lodges or fraternal organizations.
 - g. Night clubs, dance halls, skating rinks, bowling alleys, games of skill, provided they are in an enclosed building.
 - h. Drive-in food establishments.
 - i. Cemeteries or mausoleums.
 - j. Privately operated community buildings, recreational fields, swimming pools, or mooring basin owned and operated by neighborhood organizations.
 - k. Multiple family dwellings/condominium developments. (7/97)
 - l. Parks and playgrounds available to all members of the general public without fee charged for said use. (6/91)
 - m. Bed and breakfast. (7/97)
3. Lot Area: 15,000 square feet minimum; buildings used exclusively or partly for dwelling purposes shall comply with the following "R-4" District requirements: (6/91)
- Lot Area, Lot Width, Lot Depth, Front Yard, Side Yard, Rear Yard, Building Separation, Open Space, Off-Street Parking, Accessory Buildings and Parking Exception. (03/03)
4. Front Yard: Sixty (60) feet minimum; for lots adjacent to major streets, the requirements in Section 7, A shall apply.
5. Side Yard: There shall be a side yard of not less than twenty (20) feet.
6. Rear Yard: Twenty (20) feet minimum; for through lots with frontage on two (2) streets, the front yard requirements shall apply for both.
7. Lot Width: Eighty (80) feet minimum and 125 foot minimum depth.
8. Off-Street Parking: Shall be provided as required in Section 5 and as listed herein.
- a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Churches and schools: One (1) parking space for each four (4) seats in the main auditorium.
 - c. Commercial buildings: One (1) parking space for each two hundred (200) square feet of floor area.
 - d. Clubs and lodges: One (1) parking space for each five (5) members.
 - e. Industrial buildings: One (1) parking space for every two (2) employees in the largest working shift.
9. Parking Exception: If the off-street parking for the commercial uses adjoins an "A" or "R" District, it shall not be located within the required front yard for a distance of not less than fifty (50) feet from the boundary of the "A" or "R" District, nor shall the off-street parking be located within seven (7) feet of the boundary of the District.
10. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30)

- feet measured to the eaves.
11. Accessory Buildings: Accessory buildings not exceeding twenty (20) feet in height shall occupy in total area not more than thirty (30) percent of **the actual lot area or 2,000 square feet, whichever is smaller**, but no accessory building shall be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line. No accessory building shall be closer than twenty (20) feet to any lot line of an adjoining residential district. (7/97) (8/06)
 12. Signs: Shall be provided as stated in Section 7, C and as stated herein.
 - a. Free-standing, portable, and projecting identification and projecting advertising signs located at the place of business may be erected provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet in area. Both sides of any sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet in area, whichever is less. The sign area is in addition to the area permitted in a above or in exempt signs.
 - d. On lots abutting an "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.
 - e. Commercial outdoor advertising signs and their structures shall be set back from the established right-of-way line of any street or highway at least as far as the specified front yard requirement of the District in which it is located except for modification f, g, and h below.
 - f. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
 - g. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall be not less than fifty (50) feet from the established right-of-way of each street or highway.
 - h. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for the District in which the sign is erected.
 13. Swimming Pool Requirements - Private: No private swimming pool exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed except as an accessory use and unless it complies with the following conditions:
 - a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
 - b. It may not be located closer than the required setback

- c. line for the District in which it is located; and
The swimming pool, or the entire property on which it is located shall have a fence, wall or barrier to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements.
(8/06)

14. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting natural above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary.

15. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein. (7/97)

One Story	1,000 square feet (7/97)
One and One-Half Story	800 square feet on the first floor (7/97)
Two or More Stories	500 square feet on each of the first two floors (7/97) (8/06)

Does not include open or enclosed porches, patios, breezeways, & garages.

16. Fences: The following condition shall apply to fences:
- a. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted or maintained within the triangular area formed by connecting with a straight line, two (2) point located at the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - b. **The requirements in Section 7, M. shall be met. (7/12)**

The following regulations shall apply in the "C-4" District.

1. Uses Permitted: The following uses are permitted. A zoning certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Boat docks and launching, including marinas.
 - b. Fishing piers.
 - c. Boat sales, service, and storage.
 - d. Sales of boating and fishing supplies.
 - e. Accessory buildings and uses.
 - f. Parking areas and garages when located as required in Section 5.
 - g. One family dwelling, **permanent use. (8/06)**
 - h. Multiple-family dwellings/condominium developments. (7/97)
 - i. Fish cleaning.
 - j. Boat In-Water Fuel Dock.
 - k. Snack bar.
 - l. Restaurant and grocery.
 - m. Clubs as defined in Section 3.
 - n. Miniature Golf Course.
 - o. Boatel. (1997)
 - p. Child day care center. (7/97)
 - q. **Floating dwellings community/moorage, subject to the supplemental conditions established in Section 7, 1 of this Resolution. (9/08)**

2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Cemeteries or mausoleums.
 - b. Privately operated community buildings, recreational fields, swimming pools, or community facilities owned and operated by neighborhood organizations.
 - c. Bed and breakfast. (7/97)

3. Lot Area: 25,000 square feet minimum; buildings used exclusively or partly for dwelling purposes shall comply with the following "R-4" District requirements: (6/91)

Lot Area, Lot Width, Lot Depth, Front Yard, Side Yard, Rear Yard, Building Separation, Open Space, Off-Street Parking, Accessory Buildings and Parking Exception. (03/03)

4. Front Yard: 60 feet minimum; for lots adjacent to major streets, the requirements in Section 7, A shall apply.

5. Side Yard: 20 feet minimum. For boat service and storage buildings, a forty (40) foot minimum side yard shall be required.

6. Rear Yard: 40 feet minimum (where possible); for through lots, the front yard requirement shall be met for both areas of frontage.

7. Lot Width: 100 feet minimum and 125 foot minimum depth.

8. Off-Street Parking: Shall be provided as required in Section 5 and as listed herein.
 - a. One-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Multi-family dwellings: Two (2) parking spaces per dwelling unit.
 - c. Commercial buildings: One (1) parking space for each two hundred (200) square feet of floor area.
 - d. Boat Storage:
 1. In-Water Storage: One (1) parking space per every boat stored or docked.
 2. Non-Water Storage: One (1) parking space for every seven (7) boats stored for winter storage. Summer storage must meet the rack storage requirements.
 3. Rack Storage: One (1) parking space for every two (2) boats stored.
9. Parking Exception: If the off-street parking for the commercial uses adjoins a "A" or "R" District, it shall not be located within the required front yard for a distance of not less than fifty (50) feet from the boundary of the "A" or "R" District, nor shall the off-street parking be located within seven (7) feet of the boundary of the District.
10. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
11. Accessory Buildings: Accessory buildings not exceeding twenty (20) feet in height shall occupy in total area not more than thirty (30) percent of **the actual lot area or 2,000 square feet, whichever is smaller**, but no accessory building shall be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line. No accessory building shall be closer than twenty (20) feet to any lot line of an adjoining residential district. (7/97) (8/06)
12. Signs:
 - a. Free-standing, portable, and projecting identification or projecting advertising signs located at the place of business may be erected provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet in area. Both sides of any sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet in area whichever is less. This sign area is in addition to the area permitted in a above or in exempt signs.
 - d. On lots abutting any "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.

- e. Commercial outdoor advertising signs and their structures shall be set back from the established right-of-way line of any street or highway at least as far as the specific front yard requirement of the District in which it is located except for modifications f, g, and h below.
- f. For every square foot by which the commercial outdoor advertising sign and its structure exceed fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
- g. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall be not less than fifty (50) feet from the established right-of-way of each street or highway.
- h. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for the District in which the sign is erected.

13. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed except as an accessory use and unless it complies with the following conditions:

- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
- b. It may not be located closer than the required setback line for the District in which it is located; and
- c. The swimming pool, or the entire property on which it is located shall have a fence, wall, or barrier to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements. (8/06)

14. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting natural above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary.

15. Dwelling Size: Shall be provided as required by Section 7, F and as specified herein. (7/97)

One Story	1,000 square feet (7/97)
One and One-Half Story	800 square feet on the first floor (7/97)
Two or More Stories	500 square feet on each of the first two floors (7/97) (8/06)

Does not include open or enclosed porches, patios, breezeways, and garages.

16. Requirements for Boat, Boat Trailer and Boat Cradle Storage:
The following conditions shall be met:
- a. Such areas shall be properly maintained in an orderly fashion--weeds and grass shall be kept mowed;
 - b. Such uses, if not confined to a building or like structure, shall be kept properly screened from adjacent residential areas. Such screening shall consist of a strip of land not less than twenty (20) feet in width planted with an evergreen hedge or dense planting of not less than four (4) feet in height at the time of planting with a mature height of at least eight (8) feet;
 - c. No such storage buildings shall be erected or enlarged to exceed thirty-five (35) feet in height measured to the peak and thirty (30) feet measured to the eaves;
 - d. No such storage building shall be closer than seventy-five (75) feet to any public right-of-way, closer than forty (40) feet to any other lot line, nor closer than twenty (20) feet to any other building.
 - e. Such storage uses shall not be in conflict with existing residential areas and shall not create any unreasonable nuisance, hazard, or traffic problem.
17. Fences: The following condition shall apply to fences:
- a. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within a triangular area formed by connecting with a straight line, two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - b. **The requirements in Section 7, M. shall be met. (7/12)**

1. Uses permitted: A tract of land shall be used only for the following purposes, but no such use shall be permitted unless the requirements and conditions described hereafter are met and approval is granted by the Zoning Commission: A zoning permit may be required.
 - a. Trailer Camps
 - b. Accessory Buildings and Uses

2. General Standards for Trailer Camps: The Zoning Commission shall review the particular facts and circumstances of each proposed trailer camp in terms of the following standards and shall find evidence showing that the trailer camp development:
 - a. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
 - b. Will not be hazardous or detrimental to existing or future neighboring uses;
 - c. Will be served adequately by essential public services and facilities, such as highways, streets, police and fire protection, drainage and refuse disposal; or that the person(s) or agencies responsible for the establishment of the trailer camp shall be able to provide adequately for such services;
 - d. Will not create excessive additional requirements at public cost for public facilities and services;
 - e. Will be consistent with the intent and purpose of this Resolution;
 - f. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
 - g. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance; and
 - h. Will meet all the requirements of the Ohio Revised Code and Ohio Administrative Code.

3. Contents of Application: A written application shall be filed with the zoning inspector of the township. At a minimum, the application shall contain the following information:
 - a. Name, address and phone of applicant;
 - b. Legal description of property;
 - c. Present land use;
 - d. Present zoning district;
 - e. Proposed zoning district (C-5);
 - f. A vicinity map at a scale approved by the Commission showing property lines, streets, existing and proposed zoning districts and other such items as the Commission may require to evaluate the relationship of the proposed development to the surrounding areas;
 - g. A plan at a scale approved by the Commission showing the location and dimensions of streets

and other roadways; all individual camp sites; improvements; recreation areas; all accessory buildings and parking areas; buffering, screening or fencing; provisions for garbage and trash removal; provisions for restrooms, and water supply; location of utilities including lighting, and walkways; and other such things that the Commission deems necessary; and

- h. The fee as established by the Board of Township Trustees.

4. Trailer Camp Requirements: All trailer camps shall meet the following requirements:

- a. Size - A trailer camp shall contain a minimum of 10 acres and provide a minimum of 50 camp sites upon opening.
- b. Density - The maximum density shall not exceed ten (10) individual camp sites per acre nor more than thirty-five (35) persons per acre.
- c. Width and Depth - The minimum width of a trailer camp shall not be less than 300 feet. The ratio of width to depth shall not exceed one to five (1:5).
- d. Yards - All individual camp sites or accessory buildings shall be located no closer than fifty (50) feet from the front property lines, nor closer than thirty-five (35) feet from the side or rear property lines. If the side or rear property line abuts a public or private right-of-way, the minimum side or rear yard shall be fifty (50) feet.
- e. Access - All trailer camps shall have access to adequate collector streets with a right-of-way not less than fifty (50) feet in width. Marginal access roads may be required if deemed necessary for trailer camps that have direct access onto an arterial street.
- f. Streets - The design and construction of the interior streets shall be sufficient to adequately serve the size and density of the development. All interior streets shall be all-weather roads with a right-of-way not less than twenty-five (25) feet and a road surface of not less than twenty (20) feet. Parking on the interior streets shall not be permitted.
- g. Walkways - All trailer camps shall have pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Commission and may vary relative to location, intensity of use, and location of recreational areas and service facilities.
- h. Recreational and Open Space - At least thirty-five (35) percent of the land area of the trailer camp shall be reserved for recreational and open space. This figure is in addition to any other open areas required by yard dimensions or any other section of this resolution. Individual camp sites shall not be included in this recreation and open space area.
- i. Buffering and Screening - The outer boundaries of the trailer camp shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along

all camp boundaries. In addition, all trailers, campers, tents, and camp sites shall be located no closer than one hundred (100) feet from any property zoned for residences. Proper buffering shall be determined by the Commission and may include fencing, screening, and/or the planting of trees and bushes.

5. Individual Camp Site Requirements: Individual camp site within trailer camps shall meet the following requirements:
 - a. Camp Site Area - Each individual camp site shall be at least 2,500 square feet in area.
 - b. Camp Site Width - Each individual camp site shall be at least forty (40) feet in width.
 - c. Camp Site Width - There shall be a minimum of eight (8) feet open space between the vehicle, trailer, tent or structure used for camping purposes and any such camp site boundary line. The width and/or length of the vehicle, trailer, tent or structure shall include all projections, awnings, porches, tip outs, flip outs, and slip outs.
 - d. Corner Markers - The four (4) corners of each individual campsite shall be marked in a manner acceptable to the Commission.
 - e. Streets - All individual camp sites shall front on an all-weather road with a right-of-way not less than twenty-five (25) feet and a pavement surface of not less than twenty (20) feet.

6. Trailer Camp Utilities and Other Services: All trailer camps shall conform to the requirements for utilities and other services as follows:
 - a. Storm Drainage - Within each trailer camp, storm drainage shall be provided in accordance with the following requirements:
 1. All areas of a trailer camp shall be graded in a manner so that there will be no poorly drained area. Grading shall not obstruct the natural drainage of surrounding properties.
 2. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with an approved by the County Engineer.
 - b. Water Supply - Within each trailer camp, the requirements of Section 3701-25-37 of the Ohio Administrative Code shall be met.
 - c. Sewage - Within each trailer camp, the requirements of Section 3701-25-57 of the Ohio Administrative Code shall be met.
 - d. Toilet Facilities - Within each trailer camp, the requirements of Section 3701-25-61 of the Ohio Administrative Code shall be met.
 - e. Other Requirements - Within each trailer camp, the requirements of Section 3701-25-51 through 3701-25-75 inclusive (Ohio Administrative Code) shall be met.

7. Supplementary Regulations - All trailers camps shall conform to the following:

- a. No trailer, camper, or tent shall be occupied on a permanent basis.
 - b. Inspection - The County Board of Health and the Zoning Inspector shall have the right of entry and access to trailer camps at any reasonable time for the purpose of inspecting and investigating conditions relating to the administration and enforcement of the regulations and requirements of the resolution.
 - c. Sale of camp sites - The sale of individual camp sites shall be prohibited.
 - d. Campfires - If campfires are permitted, suitable facilities shall be provided and necessary precautions taken.
8. Penalty for Violation: The violation of any part of this Resolution shall be punishable under Section 10, subsection C. The appropriate prescription of conditions and safeguards, in conformity with this Resolution, shall be met. Violations such conditions and safeguards, when made a part of the zoning permit, shall be deemed a violation of this Resolution and punishable under Section 10, subsection C.
9. Existing Park Expansion: The expansion of any existing trailer camp will be required to meet these requirements for the expanded portion.
10. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
11. Accessory Buildings: Not over twenty (20) feet in height, located in accordance with 4, d. Yards above.
12. Signs: Shall be provided as stated in Section 7, C and as stated herein.
- a. Free-standing, portable, and projecting identification and projecting advertising signs located at the place of business may be erected, provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet in area. Both sides of any sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet in area, whichever is less. This sign area is in addition to the area permitted in a above or in exempt signs.
 - d. On lots abutting any "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.
 - e. Commercial outdoor advertising signs and their structures shall be set back from the established right-of-way of any street or highway at least as far as the specific front yard requirement of the District in which it is located except for modification f, g, and h below.

- f. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
 - g. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall be not less than fifty (50) feet from the established right-of-way of each street or highway.
 - h. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for the District in which the sign is erected.
13. Mobile Home Storage: One (1) mobile home may be stored in the rear yard of a lot provided that no use shall be made and no living quarters maintained or any business practiced in a mobile home that is stored.
14. Swimming Pool Requirements - Private: No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed except as an accessory use and unless it complies with the following conditions and requirements:
- a. The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located;
 - b. It may not be located closer than the required setback line for the District in which it is located; and
 - c. The swimming pool, or the entire property on which it is located, shall have a fence, wall, or barrier to prevent uncontrolled access from the street or adjacent properties. Such fence or wall shall be maintained in good condition with a gate and lock.

Temporary inflatable pools intended for the private use of the property owner shall not be required to meet these requirements.
(8/06)

15. Land Under Water: All submerged lands below low water datum are a part of the District to which their abutting natural above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural above-water property. Two or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary.
16. Fences: The following condition shall apply to fences:
- a. On property located at street and/or highway intersections, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, planted, placed, or maintained within the triangular area formed by connecting with a straight line, two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
 - b. **The requirements in Section 7, M. shall be met. (7/12)**

The following regulations shall apply in the R-C District:

1. Uses Permitted: The following use is permitted. A Zoning Certificate may be required as provided in Section 10, B of this Resolution.
 - a. Commercial Planned Unit Development if applied for by the owner as provided for herein, and as approved by the Zoning Commission and Board of Township Trustees.
2. Catawba Island Township will permit development of land using a commercial planned unit development concept in order to achieve the following:
 - a. A more useful pattern of open space and recreation areas and, as part of the project, more convenience in the location of desirable neighborhood commercial uses and services.
 - b. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, prevents the disruption of natural drainage patterns, and conserves and protects the aquifer and groundwater supplies.
 - c. A more efficient use of land than is generally achieved through conventional development, which may result in substantial savings through shorter lengths of utilities and streets.
 - d. A development pattern in harmony with land use density, transportation facilities, connecting open space, and community facilities.
 - e. A development, that in the opinion of the trustees, is advantageous to the community at large.

In order to facilitate the hearing process, the township will require a preliminary development plan to be submitted with the rezoning request that adequately identifies the general development design proposed for all of the property included in the commercial planned unit development and portrays the proposed type and location of commercial uses contemplated, buffers, open space areas, and parking areas.

3. Types of Uses Permitted

The following types of uses are permitted after recommendation by the zoning commission and approval by the board of township trustees:

- a. Land and buildings in the commercial planned unit development shall be limited to one or more of the following uses:
 1. Commercial uses included as part of an overall

commercial development plan with common parking areas, common points of ingress and egress, landscaping, and buffering requirements from adjoining lots, provided that in the opinion of the zoning commission and township trustees, the proposed commercial planned unit development will not adversely affect adjacent property values and/or the public's health, safety, and general welfare.

- 2. Accessory buildings and uses in association with a permitted commercial use and the planned unit development as provided herein.
- b. Only uses designated in the approved planned unit development as a permitted use shall be allowed as a matter of right at each location in a planned unit development, and any use not so designated shall be prohibited.

4. Development Standards

a. Lot Area, Width, and Depth

- 1. The gross lot area of the tract to be developed under the commercial planned unit development approach shall conform to the following schedule:

<u>Type of PUD</u>	<u>Minimum Area (Acres)</u>
Commercial	5

- 2. For commercial planned unit developments, only uses listed as a permitted use or conditional use in the "C-1" District may be included within the development plan.
- 3. The area of a commercial planned unit development must be an integral tract. It cannot be a collection of isolated pieces of land, except that roads, streets, or waterway may lie between portions of the tract.
- 4. The minimum lot width of a commercial planned unit development shall be two hundred (200) feet.
- 5. Each lot to be sold in a commercial planned unit development shall have a minimum width of eighty (80) feet and a minimum lot area of ten thousand (10,000) square feet.

5. Density

- a. The density of a commercial planned unit development shall be limited to not more than forty (40) percent lot coverage of the total acreage included within the planned unit development.
- b. Each phase submitted for approval shall not exceed the lot coverage requirements for the acreage included in that

phase. If a phase is approved with less than the maximum lot coverage allowed for that phase, a subsequent phase of the commercial planned unit development may be permitted to include the allowed lot coverage not incorporated in that previous phase.

- c. Aggregating or clustering of commercial buildings is permitted, but there shall be no more than ten (10) units permitted per aggregation or cluster.
- d. For purposes of calculating the maximum density, the acreage of the tract of land included as part of the commercial planned unit development shall be multiplied by the permitted lot coverage percentage. The acreage may not include land below 574 feet above sea level in determining density or percent coverage.

6. Common Open Space

- a. Common open space and recreational facilities may be reserved for the users of the area being developed. It shall be so sited that customers will have easy access to it without trespassing on private areas.

Common open space is land within the development, not individually owned or dedicated for a specific use like roads or easements, that is designed and intended for the common use or enjoyment of the customers of the development and may include complementary structures and improvements as are necessary and appropriate.

- b. At least twenty (20) percent of the total area included in each phase shall be set aside as common open space in commercial planned unit developments. At least one-third of the twenty (20) percent common open space for each phase must be dry land not normally covered or inundated by water.
- c. Such common open space land reserved under a commercial planned unit development shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development.
- d. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan and shall be included in deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development, and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.
- e. Common open space and recreational facilities shall be of a size, shape, topography, and location to be usable and accessible to the customers of the commercial planned unit development. Wherever possible, common open spaces in a commercial planned unit development shall be designed to compliment open space within an adjoining commercial development.

- f. If approved by the zoning commission and the township trustees, a portion of the required open space for a commercial planned unit development may be acquired off-site and donated to the township as public land. This alternative must be mutually agreed upon by all parties.

7. Building Height

- a. The maximum height for all commercial buildings and structures in the commercial planned unit development shall be thirty-five (35) feet, unless approved at a greater height by the township trustees during the review process.

8. Building Yards

- a. All principal buildings shall have a minimum front yard setback of sixty (60) feet when fronting on an arterial or collector street and forty (40) feet when fronting on a local street, a minimum side yard setback of twenty (20) feet, and a minimum rear yard setback of twenty (20) feet. Corner lots shall have the front yard setback on both streets.
- b. Units with a common wall or that are contiguous because of an authorized zero setback are considered one building. There shall be a minimum twenty (20) foot separation between buildings of this type.
- c. In areas where aggregation or clustering is proposed, the township trustees shall have the flexibility to reduce these setbacks when appropriate.

9. Accessory Building Standards:

- a. Accessory buildings for each commercial use shall have a total area no greater than six hundred (600) square feet and a maximum height no greater than fifteen (15) feet. Accessory building must be located within two hundred (200) feet of the commercial use it serves.

10. Off-Street Parking Requirements

- a. Approved commercial uses shall provide one (1) parking space for each two hundred (200) square feet of floor area.
- b. All other requirements of Section 5 of this Resolution shall apply to parking spaces for both dwellings and for commercial uses.

11. Commercial Uses

- a. Commercial buildings and establishments shall be planned as groupings having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares.

- b. In commercial planned units developments, permitted uses and conditional uses listed in the "C-1" District may be considered. Other similar uses not specifically listed that are no more intensive, i.e. traffic of persons or automobiles, or noise, music, odors or light or other criteria impacting adjoining premises may be considered with permission of the zoning commission and township trustees.
- c. The commercial planned unit development shall provide, where commercial areas abut residential areas, a landscape plan that, in the opinion of the zoning commission and township trustees, provides a sufficient buffer where necessary, for instance, between commercial parking areas and abutting residential areas.

12. Traffic Circulation

- a. The commercial planned unit development shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

13. Non-Illuminated Signs Permitted in the PUD District:

- a. The requirements of Section 7 shall apply for all commercial uses.
- b. All permanent signs to be erected within the commercial planned unit development must be provided for and approved as a part of the commercial planned unit development.

13. Fences

- a. Fences or hedges must be approved as part of the commercial planned unit development. Fences may not exceed four (4) feet in height in the front yard and seven (7) feet in all other locations. No barbed wire fence shall be constructed.
- b. At street and/or highway intersections, no wall, fence, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two (2) points located at the respective right-of-way lines, twenty-five (25) feet distance from their point of intersection.
- c. The requirements of Section 7, M. shall be met. (7/12)

Approval Process of Each Phase of a Commercial Planned Unit Development

During the rezoning process, the developer shall provide a preliminary proposal to the zoning commission and township trustees for the parcel of land proposed to be rezoned to the "R-C" Restricted Commercial District. This preliminary proposal shall be sufficient in detail to assist the zoning officials and the general public in understanding the conceptual layout of the commercial planned unit development, including prescribed lot coverage and open space calculations, clustering of buildings, setbacks, and types of commercial uses.

Suggestions offered concerning the preliminary proposal, by the zoning officials and the general public, should be given strong consideration by the developer when the final development plan is prepared.

Once the property is rezoned by the township trustees to the "R-C" Restricted Commercial District, as provided for in Section 8 of this Resolution, the following procedure shall be followed.

1. Application to the Zoning Inspector

- a. An application for a commercial planned unit development phase shall be submitted to the zoning inspector. The application shall be executed by or on behalf of all of the owners of all of the land to be included in the commercial planned unit development. A filing fee, as determined by the trustees, shall be submitted with the application.

2. Data Required with Application

- a. The application for approval of a commercial planned unit development phase shall include two (2) copies of a development plan, drawn at a scale of 1"= 100' and shall include the following information:
 1. The location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed should be identified. A legal description of the area involved in the planned unit development phase is required.
 2. The lot coverage percentage of land use to be developed, the proposed commercial uses, and the location of the required open space shall be presented in tabular form and also clearly shown on the plans.
 3. The location, function, ownership, and manner of maintenance of common open space areas shall be shown.
 4. The use, general outline, location, and maximum height of all buildings and other structures shall be identified. The plan shall list and show the exact use, height, floor area, and the outline and location of all buildings and structures, including accessory buildings.
 5. The land to be dedicated to each commercial use and the areas of common open space shall be listed and displayed and the exact areas of common open space used to justify the lot coverage proposed.

6. Conceptual plans for drainage, landscaping, preservation of vistas, natural features, groundwater supply and aquifer shall be included.
7. Conceptual plans for the disposal of sanitary wastewater and storm water, and for the supply of all other utilities, including water shall be submitted.
8. The proposed schedule of site development, construction of structures, and associated facilities including sketches showing the design principles and concepts to be followed shall be identified. Required buffering and other activities intended to protect adjoining property owners shall be undertaken as early in the construction process as possible.
9. The provisions for parking of vehicles and the location and width of proposed streets and existing streets abutting the property shall be shown. Proposed intersection improvements shall be shown. The zoning commission and township trustees may dictate such improvements as part of their review.
10. The location and size of walkways, plazas, public areas, fences and signs, and of landscaping and planting shall be identified.
11. The substance of covenants, deed restrictions, grants, or easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities, and for maintenance of common open space, common facilities, private streets, drives and other infrastructure of the commercial planned unit development shall be filed.
12. A plan for landscaping/buffering features and the plan for maintenance of all areas not immediately developed must be identified.
13. Other information, as may be required by the township zoning commission or township trustees, in order to determine compliance with this resolution will be provided.
14. An overall plan of the entire planned unit development delineating each phase so that the township can understand the interrelationships between the various phases.
15. To guarantee that the construction of the required improvements continues on the schedule identified in number 8 above, the developer may be required to provide a performance guarantee in one or a combination of the following arrangements: performance bond or escrow agreement.

The performance guarantee will be in an amount as determined by the township and the developer. Portions of the performance guarantee may be released as activities are completed.

- b. Upon initial review, any additional information, as may be required by the township zoning commission or township trustees in order to determine compliance with this resolution, shall be provided.

3. Basis of Approval

- a. The township zoning commission shall review and hold public hearings on the application. It shall base its review of the commercial planned unit development on the following considerations:
1. The proposed development will be initiated within two (2) years from the date of approval.
 2. Each individual unit of the development, as well as the total development, can exist as a independent unit capable of creating an environment of sustained desirability and stability, and that adequate assurance is provided that such objective will be attained.
 3. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect.
 4. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic in such amounts as not to overload the street network outside the commercial planned unit development. Studies required for intersection improvements shall be completed and preliminary approvals obtained in advance of the submission of the proposed development. All required street improvements shall be made prior to any construction occurring, unless otherwise negotiated with the township.
 5. The appropriateness of the commercial development at the locations proposed shall be reviewed.
 6. Any exception from standard district requirements is warranted by the design and other amenities to be incorporated in the commercial planned unit development and is in accord with the adopted policy of the zoning commission and the board of township trustees.
 7. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 8. The commercial planned unit development is compatible with the overall land use plan of the township and can be reasonably integrated into the long range plan.
 9. The existing and proposed utility services are adequate for the population density and the commercial uses proposed. Any required utility improvements or upgrades shall be negotiated with the appropriate utility agency with the necessary authorizations and/or permits obtained prior to any on-site construction occurring.
 10. The benefits, improved arrangements, and the design of the proposed commercial planned unit development justify the deviation from the standard commercial development requirements included in this resolution.
 11. The zoning commission may require such changes or modifications in the commercial planned unit development, as are needed to achieve conformity to the standards as herein specified.
 12. The township may establish a schedule of meeting dates with the developer to monitor the progress and

activities associated with the construction of the development. The first meeting will occur just prior to the initial groundbreaking activities and subsequent meetings will be scheduled, but should occur at least quarterly.

- b. Upon the finding by the zoning commission that all of the standards as herein specified have been met, it may recommend approval of the commercial planned unit development to the township trustees. It shall also, where it deems appropriate and necessary, recommend those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.
- c. A public hearing by the board of township trustees shall be held within thirty (30) days after receipt of the recommendation of the zoning commission. The board of township trustees shall review the application. It shall base its approval of a phase of a commercial planned unit development on the same criteria as listed for the zoning commission.
- d. Within twenty (20) days after such hearing is concluded, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission, or adopt some modification thereof.
- e. The commercial planned unit development approved as a result of the application is to be a binding plan, not subject to change by the owner or developer after its approval and acceptance, except for minor deviations permitted herein.
- f. Unless a deviation from a regulation in the township's zoning resolution, otherwise applicable to the property, is shown in the approved commercial planned unit development, such regulation shall not be assumed to be waived.

4. Election by Property Owner

- a. The property owner shall elect, and shall so notify the township trustees within thirty (30) days after approval of the commercial planned unit development by the board of trustees, to have the commercial planned unit development regulations and plan that was approved apply to the property included in the commercial planned unit development.
- b. Limitations and restrictions on uses of some lands and buildings as compared to others in this or another commercial planned unit development are accepted and are not a basis for appeals for variances.
- c. Such election shall be irrevocable and binding on the property owner, his successors and assigns. Failure to so elect and notify the township trustees in the

timeframe noted shall revoke the commercial planned unit development approval, and all the land contained in it shall be governed by the zoning regulations in the "R-C" Restricted Commercial District.

5. Other Approvals

- a. For such parts of the commercial planned unit development that are proposed to be subdivisions, the Ottawa County requirements must also be met, including specifications and performance bonds or escrow funds for construction of water, sewer, streets, roads, and drainage.
- b. The approval of the commercial planned unit development by the township trustees does not imply approval by any other agency with jurisdiction over the development of the property. Approvals by county, state, and federal agencies must be obtained before proceeding with the commercial planned unit development.

6. Minor Deviations

- a. Minor changes in the location or siting of buildings, structures, streets, or parking areas, or in the areas of open space, after approval of a commercial planned unit development by the board of township trustees, shall not be made without approval by the board of township trustees.
- b. The board of township trustees may hear and may approve by majority vote such change at any public meeting if such change is made necessary by engineering or other circumstances not foreseen at the time the commercial planned unit development was approved. No change approved by the board of township trustees or cumulative change resulting from a series of changes may cause any of the following:
 1. An increase in percentage of lot coverage.
 2. A reduction in common open space or in visual open space
 3. An increase in problems of vehicular or pedestrian traffic circulation or safety, or of utilities.
 4. A reduction of off-street parking or loading space.
 5. A reduction in approved pavement widths.
 6. A reduction of more than five (5%) percent in structural setbacks from the commercial planned unit development's boundary.
- c. All other changes or cumulative changes not meeting the above standard shall require a public hearing with notification to the adjoining property owners. The changes must be requested through the submission of a formal written request identifying the area affected.

7. Default

- a. If no significant construction has begun within two (2) years after approval of a commercial planned unit

development, it shall be void, unless an extension of the time limit of the approved commercial planned unit development is approved by the board of township trustees, after submission of a written request identifying the basis for the time extension, and a finding by the board of township trustees that such extension is not in conflict with the public interest.

- b. If construction is started but amenities, roads and drives, sewer, water, drainage, utilities, and landscaping are not done in accordance with the approved commercial planned unit development, the board of township trustees may require of the owner that it be done forthwith. (1/07)

The following regulations shall apply in the "M" District. A zoning certificate may be required.

1. Uses Permitted: Uses permitted in this District may, in some cases, be in close proximity to residential districts and all manufacturing, processing, or assembly materials and products must be carried on in a manner not injurious or offensive to the occupants of adjacent premises by reason of the emission of odors, fumes or gases, dust, smoke, noise or vibrations. A zoning certificate may be required as provided for in Section 10, B of this Resolution.
 - a. Contractor's establishment and construction Equipment dealers, provided that material or equipment is not stored in any required yard.
 - b. Carting, express or hauling establishments.
 - c. Printing plants, shops or publishers.
 - d. Bottling works.
 - e. Radio or television broadcasting stations and towers.
 - f. Research laboratories.
 - g. Warehouses.
 - h. Industrial plants manufacturing or assembling the following: boats; small metal products such as bolts, nuts, screws, washers, rivets, and nails; clothing; drug and medicine; electrical equipment; glass products from previously manufactured glass; furniture and wood products; and plastic products for production of finished equipment.
 - i. Other manufacturing plants and uses having performance characteristics similar to those listed in this Section.
 - j. Accessory buildings and uses.
2. Conditional Uses: Subject to approval as provided for in Section 6 of this Resolution.
 - a. Cemeteries or mausoleums;
 - b. Commercial, recreational or amusement enterprises;
 - c. Privately operated community buildings, recreational fields, swimming pools, or community facilities owned and operated by neighborhood organizations.
3. Lot Area, Width and Depth: Every lot shall have a minimum width of one hundred and fifty (150) feet and a minimum depth of one hundred and twenty-five (125) feet; however it shall have a minimum area of not less than one and one-half (1-1/2) acres. Measurement of lot area shall be made to the street right-of-way line.
4. Front Yard: There shall be a front yard of not less than twenty-five (25) feet, but where such front yard is opposite an "A" or "R" District, it shall be a minimum of fifty (50) feet in depth and shall be used for landscape purposes only. For lots adjacent to major streets, the requirements of Section 7, A shall apply.

5. Side Yard: There shall be a side yard of not less than fifteen (15) feet, but where such side yard is adjacent to an "A" or "R" District, it shall be a minimum of twenty-five (25) feet and shall be used for landscaping purposes only.
6. Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet, and where such yard abuts an "A" or "R" District, it shall be used for landscape purposes only.
7. Building Height: The maximum building height shall be thirty-five (35) feet measured to the peak and thirty (30) feet measured to the eaves.
8. Off-Street Parking: Shall be provided as required in Section 5 and as listed herein.
 - a. Industrial buildings: One (1) parking space for each two (2) employees in the largest working shift.
9. Parking Exception: If the off-street parking for the industrial use adjoins a "A" or "R" District, it shall not be located within the required front yard for a distance of not less than fifty (50) feet from the boundary of the "A" or "R" District, nor shall the off-street parking be located within seven (7) feet of the boundary of the District.
10. Accessory Buildings: An accessory building not exceeding twenty (20) feet in height shall occupy not more than thirty (30) percent of **the actual lot area**, but no accessory building shall be closer than sixty (60) feet to the front lot line, closer than five (5) feet to the main building, nor closer than five (5) feet to any lot line.
(8/06)
11. Signs: Shall be provided as stated in Section 7, C and as stated herein.
 - a. Free-standing, portable, and projecting identification and projecting advertising signs located at the place of business may be erected provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet in area. Both sides of any sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall be not less than nine (9) feet above the finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet in area, whichever is less. This sign area is in addition to the area permitted in a above or in exempt signs.

- d. On lots abutting any "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.
- e. Where permitted, commercial outdoor advertising signs and their structures shall be set back from the established right-of-way line of any street or highway at least as far as the specific front yard setback requirement of the District in which it is located except for modification f, g, and h below.
- f. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot but need not exceed one hundred (100) feet.
- g. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.
- h. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for that District in which the sign is erected.

12. Fences: The following condition shall apply to fences:

- a. On property located at street and/or highway intersections in any District established by this Resolution, no fence, wall, hedge, shrubbery, or other structure or planting which obstructs the view of motorists and thereby creates a traffic hazard shall be erected, placed, planted, or maintained within the triangular area formed by connecting with a straight line, two (2) points located on the respective right-of-way, twenty-five (25) feet distance from their point of intersection.
- b. **The requirements in Section 7, M. shall be met. (7/12)**

13. Land Under Water: All submerged lands below low water datum are a part of that District to which their abutting natural above water lands are assigned and shall be bounded by extension of the boundary lines of each abutting natural above water property. Two or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above water common boundary line.

SUMMARY OF DISTRICT REQUIREMENTS

District	Lot Width	Lot Area	Front Yard	Side Yard	Rear Yard	Max. Bldg. Ht. to Peak
A	150'	1 Acre	50'	10'	40'	35' (7/96)
R-E	200*	60,000 square feet	50'	20'	40'	35' (8/92)
R-A	150'	1 Acre	50'	10'	35'	35'
R-1	100'	15,000 square feet	40'	10'	35'	35'
R-2	80'	11,000 square feet	35'	10'	25'	35' (7/96)
R-3	80'	11,000 square feet	35'	10'	25'	35' (7/96)
R-4	80'	11,000 square feet	35'	35'	35'	35' (7/96)
R-5	80'*	11,000 square feet*	35'	35'	35'	35' (7/96)
R-6	100'*	20,000 square feet*	40'	35'	35'	35'
C-1	60'	10,000 square feet*	60' (7/97)	20'	20'	35'
C-2	100'	25,000 square feet*	60'	20'	40'	35'
C-3	80'	15,000 square feet*	60'	20'	20'	35'
C-4	100'	25,000 square feet*	60'	20'*	40'	35'
C-5	300'	10 Acres	50'	35'*	35'*	35'
R-C	200	5 Acres	60' **	20'	20'	35' (1/07)
M-1	150'	1.5 Acres	25'*	15'*	25'*	35'

* See Individual District Requirements for Other Restrictions.

** When lot fronts on a arterial or collector street. Forty (40) feet if lot fronts on a local street. (1/07)

SECTION 5 - PARKING AND LOADING REQUIREMENTS

A. Automobile Parking Requirements

1. Quality: There shall be provided at the time of the erection or enlargement of any main building or structure the following off-street parking spaces, with a minimum area of two hundred (200) square feet per parking space, and with adequate provisions made for ingress and egress to the parking spaces:
 - a. Single-family dwellings: Two (2) parking spaces per dwelling unit.
 - b. Multi-family dwellings: Two (2) parking spaces per dwelling unit.
 - c. Auditoriums, theaters, churches, schools, and other similar places of assembly: One (1) parking space for each four (4) seats in the main auditorium.
 - d. Hospitals and institutions: One (1) parking space for each eight hundred (800) square feet of floor space.
 - e. Clubs and lodges: One (1) parking space for each five members.
 - f. Commercial buildings: One (1) parking space for each two hundred (200) square feet of floor area.
 - g. Industrial buildings: One (1) parking space for every two (2) employees in the largest working shift.
 - h. Hotels, apartment hotels, and motels: One (1) parking space for every room or suite.
 - i. Boat storage:
 1. Boat, In-Water Storage: One (1) parking space per every boat stored or docked shall be required.
 2. Boat, Non-Water Storage: One (1) parking space per every seventh boats stored will be required for winter storage. Summer storage must meet the boat, rack storage requirements.
 3. Boat, Rack Storage: One (1) parking space per every two (2) boats stored will be required.
2. Rules:
 - a. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - b. No building shall be enlarged, reconstructed or structurally altered to the extent of more than fifty (50) percent addition in floor area unless there is provided the total number of off-street parking spaces required for the original use and its enlargement.
 - c. All parking spaces herein required shall be located on the same lot as the building or use served, except that spaces may be located within three hundred (300) feet of the lot on which the main building is located, or within six hundred (600) feet in the case of required spaces for the use of employees.

B. Off-Street Truck Loading Berths

1. Quality: Every building as described below which is hereafter constructed, reconstructed or structurally altered

more than fifty (50) percent in floor area shall provide an off-street loading berth or berths in accordance with the following schedule:

- a. A building whose dominant use is handling and selling goods at retail shall provide berths in relation to the floor area used for retail purposes as follows:

<u>Area</u>	<u>Berths Required</u>
5,000 - 10,000 sq. ft.	one
10,000 - 20,000 sq. ft.	two
Over 20,000 sq. ft.	three

- b. Manufacturing, repair, wholesale, trucking terminal, or warehouse uses shall provide berths in relation to the total floor area as follows:

<u>Area</u>	<u>Berths Required</u>
5,000 - 40,000 sq. ft.	one
Over 40,000 sq. ft.	two

- c. All other building or uses not listed above, but having over ten thousand (10,000) square feet in floor area shall provide one (1) berth.

2. Rules:

- a. Each space shall be easily accessible from a street or alley without substantial interference with traffic.
- b. All required loading berths shall be on the same lot as the use served, and if such berths abut an "A" or "R" District, they shall be suitably screened or fenced from view.
- c. No loading berths shall be located in a required front or side yard.

C. Improvements to Parking and Loading Areas

- 1. All parking and loading areas shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing.
- 2. Where the parking area adjoins lots in an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Zoning Commission. Such protection shall not extend into the front yard required on the lot on which the parking area is located.
- 3. Any lights used to illuminate parking areas shall be so arranged as to reflect the light away from the adjoining premises in an "A" or "R" District.
- 4. Bumper guards shall be provided for proper operation of the parking area and to protect any fence, screen, or planting from damage.

5. When a **public** parking area is located wholly or partly in an "A" District **that abuts a "C" or "M" District**, the following regulations shall apply in addition to the above. (8/06)
 - a. No commercial enterprise of any kind shall be established on the area;
 - b. No fee shall be charged for parking thereon;
 - c. No signs of any kind shall be erected, except those necessary for the orderly parking thereon; and
 - d. No parking spaces shall encroach upon or isolate residential structures.

6. When a parking area **charges a fee to park and is** used for commercial purposes, the following standards will be required: (8/06)
 - a. The area must be zoned "C";
 - b. The parking area shall be surfaced with gravel or crushed stone with adequate dust treatment or with permanent surfacing;
 - c. Where the parking area adjoins lots an "A" or "R" District, such lots shall be protected by the erection and maintenance of a permanent fence, screen, or planting approved by the Zoning Commission. Any lighting used to illuminate the parking area shall be so arranged to reflect light away from the adjoining premises in the "A" or "R" District;
 - d. The area shall be kept clean and orderly; and
 - e. The owner or operator will be responsible for the orderly control and parking of cars within the area.

SECTION 6 - CONDITIONAL USES

A. Purpose

In addition to uses specifically classified and permitted in the various Districts in this Resolution, there are certain additional uses which it may be necessary to allow because of their unusual characteristics or the services they provide to the public. These conditional uses require particular consideration as to their proper location in relation to adjacent established or intended uses, or the planned development of the community. The conditional uses fall into two categories as follows:

1. Uses either municipally operated or uses traditionally affected by public interest; or
2. Uses entirely private in character, which because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a District or Districts in which they cannot reasonably be allowed as a permitted use under the zoning resolution.

B. Procedure

Whenever it is stated in this Resolution that certain conditional uses may be permitted in a specific District, the following procedure shall be followed. Conditional uses which existed at the time of the adoption of this Resolution, as amended, may be continued.

1. Written applications for approval of conditional uses shall be filed with the Board of Zoning Appeals upon forms prescribed for that purpose by the Board of Zoning Appeals. A fee as determined by the Township Trustees shall be paid upon the filing of each application for the purpose of defraying the actual costs of the proceedings. A written receipt shall be issued to the person making such payment and records thereof shall be kept in such a manner as prescribed by law.
2. The Board of Zoning Appeals shall hold a public hearing on each application for a conditional use. The Board shall fix a reasonable time and place for the hearing, give at least ten days notice in writing to the parties of interest, and give ten days notice of said public hearing by one publication in one or more newspapers of general circulation in the township.
3. The Board of Zoning Appeals shall make its findings and determination in writing within forty (40) days from the date of filing of the application and shall transmit a copy thereof to the applicant. No decision of the Board shall become effective until after an elapsed period of ten (10) days from the date of the written determination during which time the applicant or any other person aggrieved may appeal to the Court

of Common Pleas of Ottawa County on the grounds that the decision was unreasonable or unlawful.

4. In approving the conditional uses referred to in this Section, the Board of Zoning Appeals shall have the authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood.
5. In specific cases, the Board of Zoning Appeals may issue conditional use permits for a specific period of time, after which the conditional use permit will be null and void and reapplication will be required.
6. In the event that a conditional use authorized for an building, structure, or land is voluntarily discontinued for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the District in which it is located.
7. The following Finding of Fact shall be used by the Board of Zoning Appeals in reaching its decision. (8/06)

INSTRUCTIONS: (8/06)

The Applicant shall complete this form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (8/06)

FINDING OF FACT (8/06)

A conditional use is a use authorized in a particular zoning district upon showing that such use in a specified location will comply with all of the conditions and standards for the location or operation of the use.

The following factors shall be analyzed by the Board of Zoning Appeals:

1. The location, size and character will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.

Board Agrees _____ Board Disagrees _____

Comments: _____

(7/12)

2. The proposed development is in accord with the overall development plans of the area.

Board Agrees _____ Board Disagrees _____

Comments: _____

(7/12)

3. The proposed development will be in keeping with the existing land use, character and physical development potential of the area.

Board Agrees _____ Board Disagrees _____

Comments: _____

(7/12)

4. The necessity or desirability of the proposed use to the neighborhood or community has been proven.

Board Agrees _____ Board Disagrees _____

Comments: _____ (7/12)

5. If permitted, the use will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the District involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts.

Board Agrees _____ Board Disagrees _____

Comments: _____ (7/12)

6. The use will be designed as to its location, size, intensity, site layout and periods of operation to eliminate any possible nuisances emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

7. The use will be such that the proposed location and height of buildings or structures and the location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

8. The use will relate harmoniously with the physical and economic aspects of the adjacent land uses regarding prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

9. The use is necessary for the public convenience at that location.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

10. The use is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

11. The use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

DECISION

Case # _____ (7/12)

It is therefore the decision of the Catawba Island Township Board of Zoning Appeals that this conditional use application is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Adopted this _____ day of _____, 20__.

(8/06)

SECTION 7 - SUPPLEMENTAL REGULATIONS

A. Yard Requirements

1. Front Yard: The following shall apply to front yards in all Districts:
 - a. Interior lots having a frontage on two (2) streets shall provide the required front yard on both streets.
 - b. For uses on corner lots, only one front yard shall be required to meet the requirements of the District in which the property is located with the other front yards established at twenty-five (25) feet. (11/99)
 - c. Where a lot is situated between two lots, each of which has a main building which projects beyond the established front yard line and has been so maintained since this Resolution became effective, the front yard requirement of such lot may be the average of the front yards of said existing buildings.
 - d. Where a lot adjoins one lot having the conditions described above, the front yard requirement of such lot may be the average of the front yard of the existing building and the established front yard requirement of the District in which it is located.
 - e. Where a lot is situated between two undeveloped lots, the average front yard established by the other existing buildings on the same side of the street between the nearest intersecting streets may be used as the front yard requirement of the lot.

2. Side Yard: The following shall apply to side yards of existing lots of record prior to the adoption of this Resolution:

<u>Existing Lot Width</u>	<u>Minimum Side Yard Requirement</u>
50' or less	5'
50.01'- 60'	6'
60.01 - 70'	7'
70.01 - 79.99'	8'

3. Building Projections into Required Yards:
 - a. Every part of a required yard shall be open to the sky, unobstructed by a building, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, cornices, eaves, ornamental features and other such items.

4. Parking in Required Yards: Parking shall be permitted in all required yards except as follows:
 - a. Wherever any "C" or "M" District adjoins an "A" or "R" District, the off-street parking for the commercial or industrial development shall not be located within the required front yard for a distance of not less than fifty (50) feet from the boundary of the "A" or "R" Districts, nor shall the off-street parking be located within seven (7) feet of the boundary of the side yard of the District.

- b. Only one (1) automotive vehicle or recreational vehicle (7/12) of any type without current license plates shall be parked or stored on any residentially zoned property other than in a completely enclosed building. Parking or storage must be in the rear yard.
- c. Parking of recreational vehicle for occupancy may not exceed seventy-two (72) hours in any thirty (30) day period. (8/20/92)

5. Area covered by buildings and structures:

If yard requirements on a lot are reduced by provisions of this Section 7, A. 1 or 2, then the percentage of the actual land area covered by all buildings and structures may be increased to equal the average percentage covered by all buildings and structures on occupied lots within the subdivision.

B. Accessory Buildings and Uses - See requirements under each zoning District for size, coverage, and setback requirements. (11/99)

A use or structure on the same lot, and of a nature customarily incidental and subordinate to, the principal use or structure. Structures or vehicles intended or designed to be used as a temporary or permanent residence, such as mobile homes and recreational vehicles, and any vehicle designed or intended to be used for the movement of goods and materials over highways, such as truck trailers, shall not be used as an accessory structure. (7/11)

Accessory structure such as dog houses, tree houses, decorative fences not meeting the definition of a fence, etc. that contains less than forty-eight (48) square feet of floor area shall not be required to obtain a zoning certificate, but will be required to meet all setback requirements for the zoning district in which the structure is located. (7/11)

C. Signs:

1. Intent: The purpose of this section is to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the township.
2. Temporary Signs: Signs of a temporary nature such as election signs, garage sale signs, for sale or rent signs by the owner and/or agent, and the like shall be removed within a period of ten (10) days after the identified event is completed or concluded. No such sign shall be larger in area than six (6) square feet, except those advising of Public Service Organization events.
3. Exempt Signs: Traffic, governmental, street, legal, and danger signs are not restricted. One name plate not over one and one-half square feet in area, memorial tablets, and names of buildings built into the walls of the building as an integral part of the building are permitted. Signs within buildings whether visible from the outside or not are not restricted. Directional signs not exceeding one and one-half square feet in area on private premises are not

restricted. Signs within buildings, in C and M districts, whether visible from the outside or not, are not restricted. (8/20/92)

4. Prohibited Signs: Signs which contain red and green lights and signs which flash, rotate, or have intermittent, rotating, or moving lights are prohibited.
5. All signs other than temporary signs in all Districts must be not less than twenty (20) feet from the edge of the pavement and not less than five (5) feet from the street right-of-way, whichever is greater, of all public or private streets. No sign, other than exempt signs, shall be placed

within five (5) feet of the edge of any road or five (5) feet from any lot line.

At intersections of public or private streets or highways, no sign shall be permitted within the triangular area formed by connecting with a straight line, two (2) points located on the respective edge of the pavement, twenty-five (25) feet from their intersection. Setbacks shall be measured to the nearest point of the sign or its supporting structure.

6. "A" District Sign Requirements: The following shall apply: (5/21/93)
 - a. For agricultural use not to exceed forty-eight (48) square feet for each agricultural sign which shall not advertise services, goods, or facilities not available on premises or on an adjacent premise. Both sides of the sign may carry a message. There shall be no more than one such sign per two hundred (200) feet of frontage of the land on the road; land on each side of the road has its own frontage. (5/21/93)
 - b. For one-family dwellings, one (1) name plate not exceeding one and one-half (1 1/2) square feet in area, indicating the name and address of the occupant and one (1) sign not exceeding three (3) square feet in area indicating the name of the permitted home occupation.
 - c. For churches, one church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area, including the supporting structure.
7. Residential Districts: In "R" Districts, non-illuminated signs may be erected as follows:
 - a. For one-family dwellings, one (1) name plate not exceeding one and one-half (1-1/2) square feet in area including the name and address of the occupant and one (1) sign not exceeding one and one-half (1-1/2) square feet in area indicating the name and permitted home occupation of the occupant.
 - b. For multiple-family dwellings and for buildings

other than dwellings, a single identification sign not exceeding twelve (12) square feet in area and indicating only the name and address of the building and the name of the management thereof.

- c. For churches, one (1) church bulletin board not exceeding fifteen (15) square feet in area and one (1) identification sign not exceeding forty-eight (48) square feet in area including the supporting structure.
 - d. Directional signs not exceeding one and one-half (1-1/2) square feet in area.
 - e. For subdivisions, condominiums, or other developments, a single identification sign not exceeding forty-eight (48) square feet in area including the supporting structure.
8. Commercial and Manufacturing Districts: The following shall apply in the "C" or "M" Districts:
- a. Free-standing, portable and projecting identification and projecting advertising signs located at the place of business may be erected, provided they do not exceed in total area one (1) square foot for each lineal foot of frontage of the land on the main street, nor exceed in total area two hundred (200) square feet. No single sign shall exceed two hundred (200) square feet. Both sides of a sign may carry a message.
 - b. Projecting signs shall not project more than sixty (60) inches from the building and the bottom of such sign shall be not less than nine (9) feet above finished grade.
 - c. Wall signs shall be permitted, but their total area on any wall shall not exceed twenty (20) percent of the area of that wall or three hundred (300) square feet in area, whichever is less. This sign area is in addition to area permitted in a above or in exempt signs.
 - d. On lots abutting an "A" or "R" District, signs may not be located closer than twenty (20) feet to the side lot line.
9. Commercial Outdoor Advertising: The following shall apply to commercial outdoor advertising signs such as Hart or Blinn and their structures.
- a. Commercial outdoor advertising signs and their structures may occur in the "C", or "M" Districts only. (7/96)
 - b. Where permitted, commercial outdoor advertising signs and their structures shall be set back from the established right-of-way line of any street or highway at least as far as the specific front yard

requirement of the District in which it is located except for modifications of c, d, and e below.

- c. For every square foot by which the commercial outdoor advertising sign and its structure exceeds fifty (50) square feet, the setback shall be increased one (1) foot, but need not exceed one hundred (100) feet.
- d. At the intersection of any state or federal highway with an arterial or collector street, the setback of any commercial outdoor advertising sign and its structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.
- e. Each such sign will subtract forty-eight (48) square feet from the square footage allowed for that District in which the sign is erected.

D. Non-Conforming Buildings and Uses:

- 1. Continuanace of Use: Any lawfully established use of a building or land established prior to the effective date of the Resolution, as amended, that does not conform to the use regulations for the District in which it is located shall be deemed to be a legal non-conforming use and may be continued, except as otherwise provided herein.
- 2. Repairs and Alterations: Normal maintenance of a building or other structure containing a non-conforming use is permitted, including necessary non-structural repairs which do not tend to prolong the life of the supporting members of the building or structure such as bearing walls, columns, beams, or girders. Incidental alteration are permitted which do not extend or intensify the non-conforming use.
- 3. Building under Construction: Any non-conforming structure that is under construction whenever this Resolution was adopted or amended may be completed and occupied.
- 4. Change of Use: If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or a more restrictive classification, but shall not thereafter be changed back to a less restrictive use.
- 5. Vacancy: In the event that a non-conforming use of any building, structure, or land is voluntarily discontinued for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the District in which it is located.
- 6. Enlargement of Buildings: **The addition to or enlargement of a non-conforming building may be permitted, provided** such addition, enlargement, or replacement complies with the height and area regulations of the District in which it is located and that the total aggregate floor area included in all such separate enlargements does not exceed twenty (20) percent of the floor area contained in said non-conforming building on the

effective date of this Resolution, as amended. (7/97) (8/06)

7. Restoration of Damaged Buildings: A non-conforming building or structure which is damaged by explosion, fire, Act of God, or the public enemy to the extent of not more than seventy-five (75) percent of its value at the time of its damage, may be restored and the same use or occupancy continued, provided that such restoration is started within a period of six months. In the event that such damage exceeds seventy-five (75) percent of the value at the time of the damage, no repairs or construction shall be made unless every portion of the building is made to conform to all regulations for new buildings in the District in which it is located.
8. Use of Land: The area of a non-conforming use of land within a lot owned as of the date of **any** amendment to the Resolution, may be enlarged within that lot provided that any such enlargement complies with current regulations of the District in which it is located and that the total aggregate area of all such enlargements does not exceed twenty percent of the area actually used for the non-conforming use on the effective date of **the** amendment to the Resolution. The use shall not be changed except to a conforming use. (8/06)
9. Replacement of Manufactured Homes: If a lot (recorded at the time of the adoption of this Resolution, and whose owner owns no adjoining land) is too small to permit installation of a home which meets the current requirements of the Zoning Resolution, and if it is now occupied by a legal non-conforming manufactured home, then that non-conforming home may be substituted by a home of better quality and not smaller size, even if this is smaller than otherwise required. Setbacks and other requirements shall be met if possible; if not, deviations shall be no greater than they were for the home that was substituted. A Zoning Certificate shall be required showing where conformance to the Resolution is made, and each deviation and explicit justification for it.

E. Dwelling Size and Standards (11/99)

1. A dwelling shall have a minimum width of primary livable floor space of twenty-three (23) feet for a minimum length of twenty-three (23) feet and the minimum floor area required in its District. (6/88)
2. It shall be firmly attached to a permanent foundation constructed on site.
3. If the building or its parts have been constructed with tow bars, wheels, axles, or other equipment for moving the building or its parts, such wheels shall be removed and all other such equipment shall be completely concealed or removed. (6/88)

DISTRICTNUMBER OF STORIES

	One Story	Two Stories (per floor)	1-1/2 Stories (first floor)
"A"	1,400	950	1,000 (7/96)
"R-A"	1,400	950	1,000 (7/96)
"R-1"	1,200	750	1,000 (7/96)
"R-2"	1,200	750	1,000 (7/96)
"R-3"	1,200	750	1,000 (7/96)
"R-4"	1,000	500	800 (7/96)
"R-5"	1,000	500	800 (7/96)
"R-6"	1,200	750	1,000 (7/96)
ALL "C"	SAME AS "R-5" FOR EACH TYPE OF DWELLING BY STORY		
PUD	AS SPECIFIED IN PUD PLAN		

4. In the above Districts, stated minimum floor areas shall be provided as specified. No single family dwelling shall have a livable **first** floor area which totals less than the number of square feet indicated.
5. The foregoing areas shall be exclusive of open or enclosed porches, patios, breezeways, garages, basements, or areas not used for permanent occupancy or use. (6/88)
6. The building shall meet the Ottawa County Building Code. All manufactured homes shall meet the current minimum HUD standards or applicable Ohio Building Codes. (6/88)

F. Land Under Water (11/99)

1. All submerged lands below low water datum are a part of that District to which their abutting natural above water lands are assigned, and shall be bounded by extension of the boundary lines of each abutting natural and above water property. Two (2) or more adjacent Districts which extend onto submerged lands shall be separated by extension of their above-water common boundary line.

G. Temporary Structures and Trailers For Project Development (11/99)

1. Temporary buildings, structures, manufactured offices, or trailers for transport, storage, or conversion of materials may be specifically permitted in a District where they would not normally be permitted, but only if all of the following conditions are met for each such object:
 - a. The land is already zoned to permit the project development.
 - b. The object is necessary and is used only for the

- c. project development on the same parcel of land. No such object shall be placed closer to property lines than an accessory building could be in that District.
 - d. Each object shall be in active use for its permitted purpose. If inactive, it shall be removed promptly. No mere storage of such objects is permitted.
 - e. No such object shall be used as a dwelling.
2. Temporary zoning certificates shall be issued for each project location and shall be valid for one year. The boundaries of the project and the number and character of

temporary objects shall be designated on the application for the temporary zoning certificate. A new certificate may be applied for annually and issued if restrictions are still met.

H. Bed and Breakfast Inn (11/99)

The following conditions shall be met for all Bed and Breakfast Inns in addition to those identified in its definition in Section 3.

- 1. The Inn must be owner-operated; it must be the principal residence of the owner, and occupied by the owner.
- 2. One (1) individual not residing in the Inn may be employed in the operation of the Inn.
- 3. No more than four (4) rooms shall be offered for rent. The Board of Zoning Appeals may permit more rooms in Residential Zoning Districts which permit multi-family dwellings and the Agricultural District.
- 4. Each room rented shall contain a minimum of one hundred (100) square feet. No rented room shall have independent outside entrance (but emergency fire exits are permitted).
- 5. Neither any rented room nor the owner's dwelling space shall be located in an accessory structure.
- 6. No cooking facilities of any type shall be permitted in the rented rooms.
- 7. A minimum of one (1) on-site parking space per room offered for rent and two (2) spaces for the owner shall be required.
- 8. The building housing the bed and breakfast shall remain residential in appearance including any and all additions to the residence resulting from the bed and breakfast operation. (11/99)
- 9. One (1) sign not exceeding four (4) square feet in area shall be permitted identifying the dwelling as a "Bed and Breakfast Inn".
- 10. Any other condition or safeguard deemed appropriate by the Board of Zoning Appeals.

I. Conditions for the Operation of a Sexually Oriented Business. (7/97) (11/99)

- A. This requirement establishes reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township. This requirement has neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor

effect of this requirement to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this requirement to condone or legitimize the distribution of obscene materials.

- B. Such uses shall be permitted subject to the following conditions:
1. The applicant shall file in writing, to the Board of Zoning Appeals, a report containing the following information:
 - a. The address where the sexually oriented business is operated or is to be operated.
 - b. The status of the applicant as an individual, partnership, or limited partnership, domestic or foreign corporation, or other entity; the full name, residence address, date of birth, and social security number of the applicant or the person applying on behalf of a partnership, corporation or other entity. If the applicant is a partnership or limited partnership, the name of the partnership; the status of the partnership as a general or limited partnership; the state or other jurisdiction under which it is organized; the address of its principal office in Ohio; its federal identification number; the name and address, date of birth, and social security number of each partner; and the status of each partner as a general or limited partner. If the applicant is a corporation, the name of the corporation; the state or other jurisdiction under which it is organized; the address of its principal office; the address of its principal office in Ohio; its federal identification number; the name and address of its statutory agent in Ohio; and the full name, residence address, date of birth, and social security number of each stockholder holding more than two percent of the applicant's stock. If any shareholder is a corporation or a general or limited partnership, the same information shall be included for such shareholder as is required for an applicant that is a corporation or general or limited partnership.
 - c. The application must contain the address where the sexually oriented business is to be located and shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
 - d. Applicants for a permit under this section shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change, by supplementing the application on file with the Township, shall be grounds for

- revocation or non-renewal of a permit.
- e. Any other information determined by the Board to be necessary.
- C. A decision of whether or not to issue a permit or license shall be made within twenty-one (21) days after receipt of all the information required under the paragraphs.
- D. A permit or license issued under this section to a sexually oriented business shall expire one year after the date of issuance. An application for a renewal permit shall be filed not later than forty-five (45) days of the expiration of the permit. An application for renewal shall be acted upon within twenty-one (21) days of receipt of the application. The information contained with the initial application for a permit and supplementary information required by Item B.1.d. above shall be used to determine whether or not to renew a permit. Each permit for a sexually oriented business shall contain the name of the applicant, the address of the sexually oriented business and the expiration date of the permit.
- E. In addition, such uses shall be permitted subject to the following conditions:
- 1. Sexually oriented business uses shall be located at least five hundred (500) feet from any church, child day care center, library, public park, public or private school, social service facility, neighborhood center, or amusement arcade.
 - 2. Sexually oriented business uses shall be located at least five hundred (500) feet from any boundary of any residential district in Catawba Island Township or in an abutting local unit of government.
 - 3. Sexually oriented business uses shall be located at least one thousand five hundred (1,500) feet from any other adult entertainment uses.
 - 4. Adult entertainment uses shall be located at least two hundred (200) feet from a bar, tavern, or other business serving or selling liquor, beer, wine, or other alcoholic beverages. (7/97)
- J. The following conditions shall be met for a professional office in the "A" District. (7/97) (11/99)
- 1. The parcel of land on which the professional office is located must be a minimum of one hundred (100) feet wide and contain a minimum of twenty thousand (20,000) square feet of area.
 - 2. One (1) off-street parking space for each two hundred (200) square feet of floor area used as office space shall be required.
 - 3. One sign not exceeding forty-eight (48) square feet in area including the supporting structure shall be permitted.
 - 4. All setback and height requirements in the "A" District shall be met for new structures. Existing structures may be converted to office space if the Board of Zoning Appeals feels adequate setbacks exist. (7/97)

K. Wind Powered Electric Generator - Low Impact subject to the following conditions: (8/06)

- a. The proposed wind powered electric generator/windmill shall be a distance of at least 125% of the height of the total structure to any property line, off-site residence or building, and public or private road right-of-way.
- b. The maximum tower height shall not exceed one hundred and fifty (150) feet.
- c. The noise level measured at the closest off-site residence shall not exceed 60 dBA.
- d. The maximum lighting used for or on the structure is a low intensity red light as defined by the Federal Aviation Administration.
- e. The wind powered electric generator/windmill shall have a rated capacity of not more than 100 kW.
- f. The wind powered electric generator/windmill shall service only one property.
- g. All necessary township and County permits shall be obtained.
(8/06)

L. Floating Dwelling Community/Moorage (9/08 all new)

1. General Regulations

No person, corporation, business, or any other owning entity shall, without first securing a zoning permit from Catawba Island Township, move, locate, relocate, or dock a floating dwelling within the boundaries of Catawba Island Township.

All floating dwellings will be required to meet all of the standards established for dwellings within the Catawba Island Zoning Resolution except as noted herein.

All floating dwellings shall only be permitted in protective bodies of water with wave and current attenuation that limits the maximum list of the structure to four degrees and that limits watercraft traffic to "Slow No Wake Speed." "Slow No Wake Speed" is defined as the slowest possible speed of a motorboat required to maintain maneuverability. No person shall operate a vessel at greater than idle speed or create a wake within 300 feet of a marina, a boat docking or boat refueling facility, a launch ramp, a recreational boat harbor or a harbor entrance.

All floating dwellings moored within the boundaries of Catawba Island Township must meet or exceed the guidelines and requirements of the Ottawa County Building Inspections Office.

All floating dwellings moored within the boundaries of Catawba Island Township must be served by public water and public sanitary sewer and meet or exceed all of the guidelines and requirements of the Ottawa County Sanitary Engineer.

All floating dwellings moored within the boundaries of Catawba Island Township must meet or exceed the guidelines and requirements that would facilitate appropriate and adequate fire protection techniques:

- a. Each floating dwelling must have positive utility disconnects and be accessible by the Catawba Island Volunteer Fire Department personnel on a year round basis. Winter boat storage must not interfere with any emergency services gaining entry to the area.

All floating dwellings must be suitable for permanent residency as a primary dwelling, but may be used by the owner as a secondary/vacation dwelling and must provide for the following:

- a. Separate sleeping areas.
- b. Functional standard kitchen facilities typical of a permanent residence, including kitchen counters and cabinets, sink, stove, and refrigerator.
- c. Functional standard bath and toilet facilities typical of a permanent residence, including lavatory, shower/tub and sink.
- d. Functional standard 110-volt service for lighting and appliances.

All floating dwellings must be designed specifically as a single-family dwelling. Multi-family floating dwellings will not be permitted.

2. Dimensional Requirements for a Floating Dwelling Community/Moorage

Every parcel of land to be occupied by floating dwellings shall contain a minimum lot area of 22,000 square feet with at least 50 percent of that lot area in dry, usable land above the elevation of 574 feet U.S.G.S. Access to the parcel of land must be acceptable to the approving authorities.

Within the parcel, each site to be occupied by a floating dwelling shall have a minimum width of forty (40) feet and a minimum area of two thousand (2000) square feet. In addition to the minimum site area for the floating dwelling, an area of dry land above 574 feet U.S.G.S. containing at least two thousand (2000) square feet will be required for each floating dwelling within the development site and it shall be used to provide individual access, utilities required by the development, off-street vehicle parking as regulated in Section 5 of this Resolution, and common open space and recreational areas. The maximum dwelling density will be ten (10) floating dwellings per gross acre of land and water.

3. Dimensional Requirements for a Floating Dwelling

- a. Single story floating dwellings shall have a minimum floor area of not less than 600 square feet, exclusive of decks, mooring areas and walkways
- b. Floating dwellings in excess of a single story, shall require a minimum floor area of not less than 800 square feet, exclusive of decks, mooring areas, and walkways.

c. The maximum height of a floating dwelling shall not exceed 25 feet measured from the water to the uppermost part of the structure.

d* All other requirements for dwellings as established within the Catawba Island Zoning Resolution.

4. Separation Requirement of Floating Dwellings

The minimum distance between adjacent floating dwellings shall be 15 feet. Measurements will be made from the nearest point of the floating dwelling including the piling used to moor the floating dwelling to the nearest point of the adjacent floating dwelling.

5. Accessory Buildings

Individual floating dwellings shall not be permitted to have an accessory building or structure. The floating dwelling community/moorage may establish accessory buildings and structures that service the residents of the floating dwelling community. The location of the accessory buildings must be shown on the plans and approved in advance.

6. Parking

Each floating dwelling shall be served by two off-street parking spaces.

7. Walkways and Piers

a. A walkway that directly accesses a single floating dwelling shall have a minimum width of no less than 36 inches and must remain free and clear of any and all obstructions. The length of the walkway shall extend from solid ground the full length of the floating dwelling and must provide immediate access to the floating dwelling.

b. A common pier that accesses more than one floating dwelling, shall have a minimum width of no less than 72 inches, remain free and clear of any and all obstructions and must provide access by way of finger walkways to each floating dwelling that the pier services.

c. Finger walkways that lead off from a pier must meet the same width requirements as a standard walkway.

8. Approval Process for a Floating Dwelling Community/Moorage

The following procedure shall be followed.

a. Application to the Zoning Inspector

An application for a floating dwelling community/moorage shall be submitted to the zoning inspector. The application shall be executed by or on behalf of all of the owners of all the land to be included in the floating dwelling

community/moorage. A filing fee, as determined by the trustees, shall be submitted with the application.

b. Data Required with Application

The application for approval of a floating dwelling community/moorage shall include ten (10) copies of a development plan, drawn at a scale of 1"= 100' and shall include the following information:

1. The location and the size of the area involved and the nature of the landowner's interest in the land proposed to be developed should be identified. A legal description of the area involved in the floating dwelling community/moorage is required.
2. The density of the land use to be developed, the type of floating dwelling unit, any proposed commercial uses, and the location of the required dry land above 574 feet U.S.G.S. to be used for access, open space, utilities and parking shall be presented in tabular form and also clearly shown on the plans.
3. The location, function, ownership, and manner of maintenance of common open space areas shall be shown.
4. The use, general outline, location, and maximum height of all buildings and other structures shall be identified. The plan shall list and show the exact use, height, floor area, number of each type of floating dwellings, and the outline and location of all other buildings and structures, including accessory buildings.
5. The land to be dedicated to each floating dwelling and the common areas shall be listed and displayed.
6. Conceptual plans for the disposal of sanitary wastewater and storm water, and for the supply of all other utilities, including water shall be submitted.
7. The proposed schedule of site development, construction or placement of structures, and associated facilities including sketches showing the design principles and concepts to be followed shall be identified.
8. The provisions for parking of vehicles and the location and width of proposed streets and access ways shall be shown.
9. The substance of covenants, deed restrictions, grants, or easements or other restrictions to be imposed upon the use of land, buildings and structures, including proposed easements for public utilities, and for maintenance of common open areas, common facilities, private streets, drives and other infrastructure of the floating dwelling community/moorage shall be filed.
10. Other information, as may be required by the township zoning commission or township trustees, in order to determine compliance with this resolution will be provided.
11. An overall plan of the entire floating dwelling community delineating each phase so that the township can understand the interrelationships between the various phases.

Upon initial review, any additional information, as may be required by the township zoning commission or township trustees in order to determine compliance with this resolution, shall be provided.

c. Basis of Approval

The township zoning commission shall review and hold public hearings on the application. It shall base its review of the floating dwelling community/moorage on the following considerations:

1. The proposed development will be initiated within two (2) years from the date of approval.
2. Each individual phase of the development, as well as the total development, can exist as a independent phase capable of creating an environment of sustained desirability and stability, and that adequate assurance is provided that such objective will be attained.
3. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect.
4. The streets and access ways proposed are suitable and adequate to carry anticipated traffic in such amounts as not to overload the street network outside the floating dwelling community/moorage.
5. Any appropriate commercial development at the locations proposed.
6. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
7. The floating dwelling community/moorage is compatible with the comprehensive plan of the township and can be reasonably integrated into the comprehensive plan.
8. The existing and proposed utility services are adequate for the population density and the nonresidential uses proposed.
9. The zoning commission may require such changes or modifications in the floating dwelling community/moorage, as are needed to achieve conformity to the standards as herein specified.

Upon the finding by the zoning commission that all of the standards as herein specified have been met, it may recommend approval of the floating dwelling community/moorage to the township trustees. It shall also, where it deems appropriate and necessary, recommend those conditions to be imposed upon the project, its operation, or both, that are needed to assure adherence to the aforesaid standards.

A public hearing by the board of township trustees shall be held within thirty (30) days after receipt of the recommendation of the zoning commission. The board of township trustees shall review the application. It shall base its approval of a floating dwelling community/moorage development on the same criteria as listed for the zoning commission.

Within twenty (20) days after such hearing is concluded, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission, or adopt some modification thereof.

The floating dwelling community/moorage approved as a result of the application is to be a binding plan, not subject to change by the owner or developer after its approval and acceptance, except for minor deviation permitted herein.

Unless a deviation from a regulation in the township's zoning resolution, otherwise applicable to the property, is shown in the approved floating dwelling community/moorage, such regulation shall not be assumed to be waived.

Limitations and restrictions on uses of some lands and buildings as compared to others in this or another floating dwelling community/moorage are accepted and are not a basis for appeals for variances.

The approval of the floating dwelling community/moorage by the township trustees does not imply approval by any other agency with jurisdiction over the development of the property. Approvals by county, state, and federal agencies must be obtained before proceeding with the floating dwelling community/moorage.

An existing floating dwelling community/moorage may be expanded onto a contiguous or adjoining parcel of land if that parcel is properly zoned. The plan for the expansion will be required to follow the procedures prescribed for a new floating dwelling community/moorage.

Minor changes in the location or siting of buildings, structures, streets, or parking areas, or in the areas of open space after approval of a floating dwelling community/moorage by the board of township trustees shall not be made without approval by the board of township trustees.

The board of township trustees may hear and may approve by majority vote such change at any public meeting if such change is made necessary by engineering or other circumstances not foreseen at the time the floating dwelling community/moorage was approved.

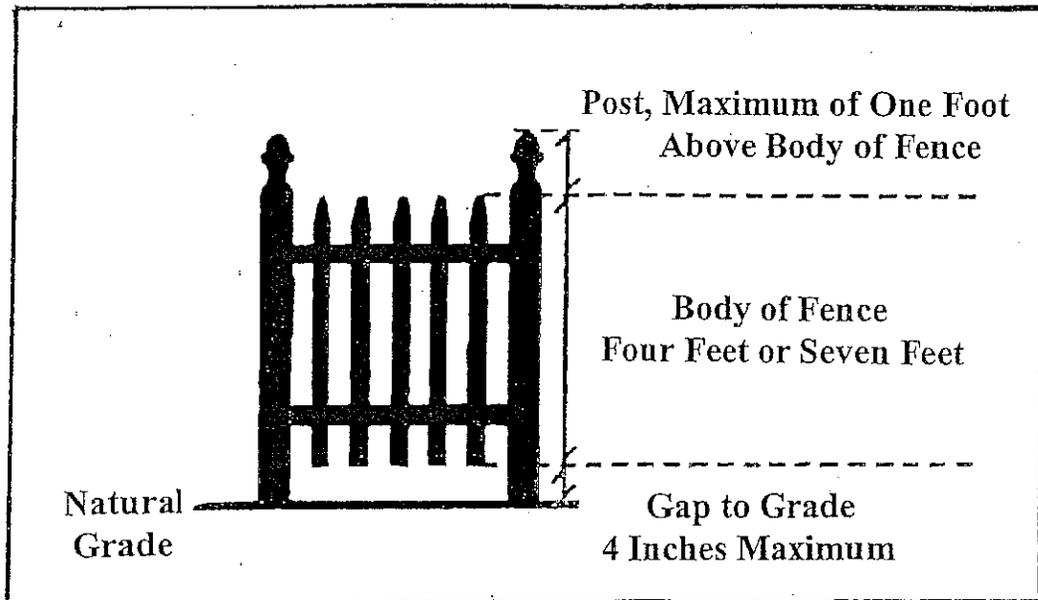
If no significant construction has begun within two (2) years after approval of a floating dwelling community/moorage, the approval shall be void, unless an extension of the time limit of the approved floating dwelling community/moorage is approved by the board of township trustees, after submission of a written request identifying the basis for the time extension, and a finding by the board of township trustees that such extension is not in conflict with the public interest.

M. Fences

The following regulations shall apply to all fences in Catawba Island Township:

1. No fence shall conflict with utilities or drainage flow.
2. Fence height shall be determined by measuring the height of the body of the fence. A space of not greater than four (4) inches for drainage and/or landscaping purposes is permitted between the bottom of the body of the fence and the natural grade.

3. Fence posts are permitted to extend a maximum of five (5) feet above the natural grade where four (4) foot fences are permitted and eight (8) feet above the natural grade where seven (7) foot fences are permitted.
4. If the natural grade has been raised for landscaping purposes, the creation of a berm, the installation of a retaining wall, or any other method whose primary purpose is increasing the elevation of a fence, the measurement will be taken from the natural grade prior to any modifications.
5. A fence may be located up to the lot line as long as the entire fence including fence posts and footings are located on the fence owner's property. The "ugly side" or exposed framework of the fence must face the fence owner.
6. Schematic of fence terminology. (7/12)



SECTION 8 - ZONING COMMISSION

A. MEMBERSHIP

1. The Zoning Commission, hereafter called the Commission, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
2. Of the five (5) members of the Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the fifth January thereafter; one (1) until the first Monday of the sixth January thereafter. There successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

The Board of Township Trustees may appoint two (2) alternate members to the Township Zoning Commission for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission according to procedures prescribed by resolution by the Board of Township Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. **An alternate member of the zoning commission may not simultaneously serve as an alternate member of the board of zoning appeals.** (11/99) (8/06)

B. RULES OF THE COMMISSION

1. The Commission shall by majority vote of its members elect a Chairman, a Vice Chairman and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Commission, which shall be held during the month of January of each year.
2. All meetings shall be conducted in accordance with general rules of parliamentary procedure, except as otherwise provided in this Resolution. A quorum shall consist of three (3) members of the Commission which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Commission shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (7/97)

Meeting of the Commission shall be at the call of the Chairman and at such other times as the Commission may determine. The

Commission shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action.

Every rule or regulation, every amendment or repeal thereof, and every order, requirements, decision, or determination of the Commission shall be filed in the office of the Commission and shall be a public record.

3. If any member of the Commission is absent for four (4) consecutive meetings he may be considered, at the option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.

C. POWERS AND DUTIES OF THE COMMISSION

1. Prepare the Zoning Resolution recommended for the unincorporated area of the Township and hold the required public hearings as required by Section 519.06.

2. Changes and Amendments

a. Authority: All provisions of current State Laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Board of Trustees may, by resolution, after report thereon by the Commission and subject to the procedure provided in this section, and/or current State Law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by the Resolution.

b. Initiation: Amendments or supplements to the Zoning Resolution may be initiated as follows:

1. By motion of the Township Zoning Commission.
2. By passage of a resolution therefore by the Board of Township Trustees, and certification of same to the Commission.
3. By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.

c. Application Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the zoning map shall be filed with the Zoning Commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission.

The applicant shall provide a definitive description of the land involved, and an excerpt of the zoning map showing clearly the boundaries. (4/89)

The applicant shall certify what part of the land to be rezoned he owns or leases, and the names of all other

owners (if any) of his land, with address of each as appearing on the County Auditor's current tax list. (4/89)

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the applicant shall provide the address of all properties to be rezoned, with the name and address as it appears on the County Auditor's current tax list of each owner; and the name and address as it appears on the County Auditor's current tax list of each owner of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted. (4/89)

If the proposed amendment intends to rezone or redistrict ten (10) or more parcels of land, see Paragraph C, 2. f. 4 below. (4/89)

- d. Fee: A fee as determined by the Board of Township Trustees shall be paid upon the filing of each application. A written receipt shall be issued to the person making such payments, and records thereof, shall be kept in such manner as prescribed by law. No fee shall be charged for actions initiated by the Board of Trustees or the Commission.
- e. Transmittal to Regional Planning Commission: Within five (5) days after the adoption of such motion, or the certification of such resolution, or the filing of such applications, the Commission shall transmit a copy thereof, together with text and map, to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof, and shall submit such recommendation to the Commission. Such recommendation shall be considered at the public hearing held by the Commission on such proposed amendment or supplement.
- f. Hearing and Notice by Zoning Commission: Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Township Zoning Commission shall hold a public hearing thereon. The Commission shall set a date for the public hearing not less than twenty (20) nor more than forty (40) days from the date of the certification of such resolution, or the date of the filing of such application. Notice of such hearing shall be as follows:

A notice shall be published in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. (4/89)

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land, as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning inspector by first class mail at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such

area proposed to be rezoned or redistrict to the address of such owners appearing on the County Auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment. (4/89)

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and shall include all of the following:

- (1) The name of the Zoning Commission that will be conducting the public hearing.
- (2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution.
- (3) A list of all the addresses of all properties to be rezoned or redistricted by the proposed amendment of the names of owners of these properties as they appear on the County Auditor's current tax list.
- (4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property.
- (5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- (6) The name of the person responsible for giving notice of the public hearing by publication or by mail or by both.
- (7) Any other information requested by the zoning commission.
- (8) A statement that after the conclusion of such hearing the matter will be submitted to the Catawba Island Township Board of Trustees for its action. (4/89)

If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten (10) parcels of land, as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- (1) The name of the zoning commission that will be conducting the public hearing on the proposed amendment.
- (2) A statement indicating that the motion, application or resolution is an amendment to the zoning resolution.
- (3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- (4) The name of the person responsible for giving notice of the public hearing by

- publication.
- (5) A statement that after the conclusion of such hearing the matter will be submitted to the Catawba Island Township Board of Trustees for its action.
 - (6) Any other information requested by the zoning commission. (4/89)
- g. Records: The Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of its examination and other official action, all of which shall be filed in the office of the Board of Township Trustees and shall be a public record.
- h. Decision by Commission and Submittal to Board of Township Trustees: The Commission shall study the proposed change in the terms of public necessity, convenience, general welfare and good zoning practice. The Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement of this basis, or the approval of such modification thereof, and submit recommendation together with application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission thereon, to the Board of Township Trustees.
- i. Hearing and Notice by Board of Township Trustees: The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and shall include all of the following:
- (1) The name of the board that will be conducting the public hearing.
 - (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
 - (3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the name of owners of these properties, as they appear on the County Auditor's current tax list.
 - (4) The present zoning classification of the

property name in the proposed amendment and the proposed zoning classification of such property.

- (5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten (10) days prior to the public hearing.
- (6) The name of the person responsible for giving notice of the public hearing by publication.
- (7) Any other information requested by the board. (4/89)

If the proposed amendment alters the text of the zoning resolution or rezones or redistricts more than ten (10) parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date and place of the public hearing, and shall include all of the following:

- (1) The name of the board that will be conducting the public hearing on the proposed amendment.
- (2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution.
- (3) The time and place where the text and map of the proposed amendment will be available for examination for a period of at least ten (10) days prior to the public hearing.
- (4) The name of the person responsible for giving notice of the public hearing by publication.
- (5) Any other information requested by the board. (4/89)

j. Action by Board of Township Trustees: Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Commission, or adopt some modification thereof. In the event of the Board of Township Trustees denies or modifies the recommendation of the Commission, the **majority** vote of the Board of Township Trustees shall be required to override the recommendation of the Commission. The action by the Board of Trustees shall be sent to the Regional Planning Commission. (8/09)

k. Effect and Referendum: Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township, or part thereof included in the zoning plan, equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the preceding general elections at which a governor

was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

D. INTERPRETATION, PURPOSE AND CONFLICT

Interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where this Resolution imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Resolution shall control.

SECTION 9 - BOARD OF ZONING APPEALS

A. MEMBERSHIP

1. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township. (7/97)
2. The members of the Board shall serve the same length of terms, and appointments should be staggered in the same manner as provided for the Township Zoning Commission in Section 8. The Board of Township Trustees may remove any member of the Board for cause, after public hearing, in accordance with the provisions of Section 519.04, Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals for terms as determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution by the Board of Township Trustees. An alternate members shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote. **An alternate members of the board of zoning appeals may not simultaneously serve as an alternate member to the zoning commission.** (11/99) (8/06)

B. RULES OF THE BOARD

1. The Board shall by majority vote of its members elect a Chairman, a Vice Chairman, and a Secretary who shall occupy such offices until their successors are duly elected at the next meeting of the Board, which shall be held during the month of January of each year.
2. All meetings shall be conducted in accordance with general rules of parliamentary procedure, except as otherwise provided in this Resolution. A quorum shall consist of three (3) members of the Board which shall be the minimum number permitted to conduct business. An affirmative vote of a majority of the members in attendance shall be required for action. Failure of an item to receive a majority vote shall constitute disapproval. When a quorum is lacking, the Board shall postpone or cancel items requiring a vote and may proceed with items presented for information only. (7/97)

Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every ruling, requirement, decision or interpretation of the Board

shall be filed in the office of the Board and shall be a public record. (7/97)

3. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.

C. JURISDICTION

1. Appeals: To hear and decide appeals where it is alleged there is error in any interpretation, order, requirement, decision or determination by the enforcement office in the administration and enforcement of the provisions of this Resolution.

2. Variances: (7/97)

There are two types of variances which the township may grant: an area variance and a use variance. The factors to be considered by the Board of Zoning Appeals differ for the two types of variances.

Area Variance

An area variance is a departure from the provisions of the zoning resolution usually relating to setbacks, side yards, height, frontage/lot width, and lot size. These variances relate to the physical characteristics of the property. Strict enforcement of the zoning requirements for the specific lot would present "practical difficulties", basically making the property unusable.

INSTRUCTIONS: (8/06)

The Applicant shall complete the appropriate form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (8/06)

AREA VARIANCE
FINDING OF FACT (8/06)

The factors or standards to be considered and weighed for an area variance include, but are not limited to the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

2. Whether the variance is substantial.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

4. Whether the variance would adversely affect the delivery of governmental services (for example, water, sewer, garbage).

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

6. Whether the property owner's predicament can feasibly be prevented through some method other than a variance.

Board Agrees _____ Board Disagrees _____

Comments: _____
_____ (7/12)

7. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.

Board Agrees _____

Board Disagrees _____

Comments: _____

(7/12)

DECISION

The decision made by the Catawba Island Township Board of Zoning Appeals will go into effect after the record from tonight's Board of Zoning Appeals action is approved at the next scheduled meeting of the Board. Upon approval, the zoning certificate will be available for processing and receipt. HOWEVER, understand that an appeal to the Ottawa County Court of Common Pleas may still occur within thirty (30) days following the approval of the Board of Zoning Appeals minutes. (7/12)

It is therefore the decision of the Catawba Island Township Board of Zoning Appeals that this area variance petition is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Case # _____

Adopted this _____ day of _____, 20____.

(8/06)

Use Variance (07/09/97)

A use variance involves the development or conversion of land for a use not permitted in the specific zoning district. The factors or standards applied to a use variance are those related to the concept of "unnecessary hardship".

A use variance must not be contrary to the public interest and the board of zoning appeals must insure that the spirit of the zoning resolution is observed. In other words, the use requested is consistent and harmonious to the existing uses.

INSTRUCTIONS: (8/06)

The Applicant shall complete the appropriate form as part of the application submission. The Board of Zoning Appeals shall publicly review the submitted form at the public hearing, stipulating the responses identified by the applicant.

Each item on the form needs to be addressed. The Board shall receive the testimony of those in attendance that are in support of the application and those that are opposed to the request. The Board may consider written comments that are submitted in advance of the hearing during its review.

At the conclusion of the testimony, the Board shall complete a separate form to become part of the public record. The Board shall summarize its findings concerning each item after reviewing the application and hearing the testimony.

Should an issue not be adequately addressed, the Board may continue the hearing to provide adequate time for the necessary material to be submitted to address the Board's concerns.

Failure by the Board to conclude that all of the noted criteria have been properly addressed will result in denial of the applicant's request. (8/06)

USE VARIANCE
FINDING OF FACT (8/06)

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity and were not created by the applicant.

Board Agrees _____ Board Disagrees _____

Comments: _____

(7/12)

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve a convenience to the applicant.

Board Agrees _____

Board Disagrees _____

Comments: _____

(7/12)

3. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

Board Agrees _____

Board Disagrees _____

Comments: _____

(7/12)

DECISION

The decision made by the Catawba Island Township Board of Zoning Appeals will go into effect after the record from tonight's Board of Zoning Appeals action is approved at the next scheduled meeting of the Board. Upon approval, the zoning certificate will be available for processing and receipt. HOWEVER, understand that an appeal to the Ottawa County Court of Common Pleas may still occur within thirty (30) days following the approval of the Board of Zoning Appeals minutes. (7/12)

It is therefore the decision of the Catawba Island Township Board of Zoning Appeals that this Use Variance petition is granted, subject to any conditions stated in the minutes which conditions are incorporated herein by reference and made a part of this decision.

Case # _____

Adopted this _____ day of _____, 20__.

(8/06)

Summary

In either type of variance request, the variance as granted shall be the minimum variance necessary to accomplish the reasonable use of the land or building. The granting of a variance runs with the land and is not approved for the present landowner only. (7/97)

3. Conditional Use Permits: As provided for in Section 6 of this Resolution.
4. Exceptions: To authorize, upon application, the following exception:
 - a. Permit in districts limiting the height to thirty-five (35) feet or under, schools, hospitals, sanitariums, institutes, churches, and other similar uses allowed under the use regulations of this Resolution, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided that the front and side yard requirements for such buildings are complied with and fire-fighting equipment is available.

D. PROCEDURES

1. Meetings: Meetings of the Board shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule of regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed in the office of the Board of Township Trustees, and shall be a public record.
2. Appeals: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or affected, or by any officer of the Township, regarding any decision of the zoning administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds. A fee as established by the Board of Township Trustees shall be paid upon the filing of the appeal. A written receipt shall be issued to the person making such payment, and records thereof shall be kept in such a manner as prescribed by law. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
3. Public Hearing and Decision: The Board of Zoning Appeals shall fix a date for a public hearing of the appeal within thirty (30) days from the date of filing, and shall give at least ten (10) days notice in writing, by first-class mail, to the parties in interest, and to all owners of property within, contiguous to and directly across the street from the property involve in the

appeal; this notice shall be mailed to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The applicant shall supply the necessary names and addresses to the Township Zoning Inspector. The failure of delivery of such notice shall not invalidate any action taken on the appeal. The Board of Zoning Appeals shall also give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person or by attorney. The Board shall decide the appeal within thirty (30) days after the date of the public hearing. Every decision of the Board shall be based upon a finding of fact. In addition, the Board shall forthwith transmit a copy of its decision to the applicant and the property owners who were notified of the appeal.

SECTION 10 - ADMINISTRATION

A. Zoning Inspector

The Board of Township Trustees shall appoint a Township Zoning Inspector, provide him with a job description, and affix his compensation. It shall be the duty of the Township Zoning Inspector to:

1. Enforce the provisions of this Resolution. At his option, the zoning inspector may consult with the Zoning Commission.
2. Issue certificates as provided by the Resolution, and keep a record of all certificates issued with a notation of any special conditions involved.
3. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office.
4. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.

B. Zoning Certificates

The Board of Township Trustees shall adopt a system of Zoning Certificates, and may establish and collect reasonable fees therefore, and may amend such fees or adopt new fees, from time to time when necessary.

1. Requirements: No person shall locate, erect, construct, convert, add to, move or structurally alter any non-farm building or structure within the Township, or make any change of a non-conforming use, without obtaining a zoning certificate.

No person shall make any change of a non-conforming use or conduct a home occupation without obtaining a zoning certificate. No zoning certificate shall be issued unless the plans for the proposed building or structure fully comply with the zoning regulations. (5/21/93)

2. Applications: Written application for a zoning certificate shall be made to the Township Zoning Inspector. Accurate information shall be supplied by the applicant, with regard to size and location of the lot, the size and location of the buildings and structures proposed or existing on the lot, the dimensions of all yards and open spaces; also, other information necessary for the enforcement of this Resolution, as requested.
3. Certificate: Every Zoning Certificate shall state the building, or the proposed use of a building or of land, complies with all provisions of this Resolution. If all of these provisions are met, the Zoning Certificate shall be issued within ten (10) days of the date of application. A Zoning Certificate shall be valid for

eighteen (18) months from the date of issue. An extension may be granted if due cause is shown.

Temporary Zoning Certificates may be issued, under conditions as provided in Section 7, Supplemental Regulations, K. A temporary Zoning Certificate shall be issued within ten (10) days of application.

4. Agricultural Buildings: Zoning Certificates shall not be required for agricultural buildings.
5. No Zoning Certificate shall be required for any accessory building containing less than forty-eight (48) square feet of floor area. Set back requirement stated in Section 7B shall apply.
6. Alterations that do not change the use or increase the height foundation size, **footprint** or cubic content of the building shall be exempt, providing the change does not violate the permitted use. (7/11)

C. Enforcement and Penalties

1. Enforcement: This Resolution shall be enforced by the Township Zoning Inspector and the Board of Township Trustees. In no case shall a Zoning Certificate be issued if the building or use would be in violation of any of the provision of this Resolution.
2. Revocation of Zoning Certificate: Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or if such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
3. Violation: In case any building is, or is proposed to be located, erected, constructed, converted, added to, moved, changed, maintained or used, or any land is, or is proposed to be in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Inspector, or any neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, or use.
4. Fine: Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined

not more than **five**-hundred dollars (\$500.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. (8/06)

D. When Effective

This Resolution shall be in full force and effect from and after its passage and publication as provided by the Ohio Revised Code.