

"R-C" RESTRICTED COMMERCIAL DISTRICT (1/07)

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.
- a. 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.

14. 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.
12. 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.
13. An overall plan of the entire planned unit development delineating each phase so that the township can understand the interrelationships between the various phases.
14. 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.
- d. 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)