

"R-E" RESIDENTIAL ESTATE DISTRICT (8/06)

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)