

# CLARK TOWNSHIP ZONING ORDINANCE

December 2008

## Table of Contents

<b>ARTICLE 1 – TITLE AND SCOPE</b>	<b>1-1</b>
<b>Title</b>	<b>1-1</b>
<b>Scope</b>	<b>1-1</b>
<b>Defined Area</b>	<b>1-1</b>
<b>Application</b>	<b>1-1</b>
<b>Continued Conformance with Regulations</b>	<b>1-1</b>
<b>Relationship to Other Documents</b>	<b>1-1</b>
<b>How the Plan was Prepared</b>	<b>1-1</b>
<b>ARTICLE 2 - PURPOSE</b>	<b>2-1</b>
<b>ARTICLE 3 - RESOLUTION</b>	<b>2-1</b>
<b>ARTICLE 4 – INTERPRETATION, ZONES AND ZONING MAP</b>	<b>4-1</b>
<b>Rules of Interpretation</b>	<b>4-1</b>
<b>Interpretation of Provisions</b>	<b>4-1</b>
<b>Interpretation of Words</b>	<b>4-1</b>
<b>Changes in Legislation</b>	<b>4-1</b>
<b>Captions</b>	<b>4-1</b>
<b>Zones</b>	<b>4-2</b>
<b>Establishment of Districts</b>	<b>4-2</b>
<b>Interpretation of Zoning District Boundaries</b>	<b>4-2</b>
<b>Zoning Map</b>	<b>4-3</b>
<b>Official Zoning Map</b>	<b>4-3</b>
<b>Identification of Official Zoning Map</b>	<b>4-3</b>
<b>Authority</b>	<b>4-4</b>
<b>Changes</b>	<b>4-4</b>
<b>Replacement</b>	<b>4-4</b>
<b>ARTICLE 5 - DEFINITIONS</b>	<b>5-1</b>

<b>ARTICLE 6 – GENERAL PROVISIONS</b>	<b>6-1</b>
<b>Uses Permitted in All Districts</b>	<b>6-1</b>
<b>Adverse Effect</b>	<b>6-1</b>
<b>Standards for All Dwellings</b>	<b>6-2</b>
<b>Alteration of Dwellings</b>	<b>6-3</b>
<b>Bulk Regulations</b>	<b>6-4</b>
<b>Projections into Yards</b>	<b>6-4</b>
<b>Exemptions from Height Provisions</b>	<b>6-5</b>
<b>Bed and Breakfast Establishments</b>	<b>6-5</b>
<b>Number of Dwellings on a Parcel</b>	<b>6-6</b>
<b>Temporary Dwellings</b>	<b>6-6</b>
<b>Accessory Buildings and Structures</b>	<b>6-6</b>
<b>Decks</b>	<b>6-8</b>
<b>Fences</b>	<b>6-8</b>
<b>Water Supply and Sewage Facilities</b>	<b>6-9</b>
<b>Home Occupations</b>	<b>6-9</b>
<b>Residential Care Facilities</b>	<b>6-10</b>
<b>Clear View Area</b>	<b>6-10</b>
<b>Access to Public Roads</b>	<b>6-11</b>
<b>Required Road Frontage</b>	<b>6-11</b>
<b>Private and Undeveloped Roads</b>	<b>6-11</b>
<b>Driveway and Curb Cuts</b>	<b>6-13</b>
<b>Grade Changes</b>	<b>6-14</b>
<b>Lighting Standards</b>	<b>6-15</b>
<b>Waste Accumulation and Outside Storage</b>	<b>6-15</b>
<b>Storage of Vehicles and Equipment</b>	<b>6-15</b>
<b>Boathouses</b>	<b>6-16</b>
<b>Water Protection</b>	<b>6-22</b>
<b>Accessory Dwelling Unit</b>	<b>6-22</b>
<b>The Keeping of Animals</b>	<b>6-23</b>
<b>The Recreational Keeping of Horses</b>	<b>6-23</b>
<b>The Keeping of Livestock Other than Horses</b>	<b>6-24</b>
<b>Wireless Communication Facilities</b>	<b>6-25</b>
<b>Heating Wood/Material Shelter</b>	<b>6-32</b>
<b>ARTICLE 7 – PARKING AND LOADING FACILITIES</b>	<b>7-1</b>
<b>Parking</b>	<b>7-1</b>
<b>Access</b>	<b>7-1</b>
<b>Prepared Surface</b>	<b>7-1</b>

<b>Parking Space Dimensions</b>	<b>7-2</b>
<b>Parking Aisle Requirements</b>	<b>7-2</b>
<b>Lighting</b>	<b>7-2</b>
<b>Location of Parking on a Lot</b>	<b>7-2</b>
<b>Visitor Parking Spaces for Multiple Family Dwellings</b>	<b>7-2</b>
<b>Parking Spaces for the Disabled</b>	<b>7-3</b>
<b>Use of Parking Areas and Spaces</b>	<b>7-3</b>
<b>Parking of Vehicles in Residential Districts</b>	<b>7-3</b>
<b>Collective Parking</b>	<b>7-3</b>
<b>Stacking Spaces</b>	<b>7-4</b>
<b>Required Parking Spaces</b>	<b>7-4</b>
<b>Fractional Spaces</b>	<b>7-6</b>
<b>Existing Parking</b>	<b>7-6</b>
<b>Ingress and Egress Approval</b>	<b>7-6</b>
<b>Loading Spaces</b>	<b>7-6</b>
<b>ARTICLE 8 - SIGNS</b>	<b>8-1</b>
<b>General Provisions</b>	<b>8-1</b>
<b>Permitted Signs</b>	<b>8-2</b>
<b>Exempt Signs</b>	<b>8-2</b>
<b>Signs Allowed with Permit</b>	<b>8-4</b>
<b>Temporary Signs Allowed with Permit</b>	<b>8-4</b>
<b>Permanent Signs Allowed with Permit</b>	<b>8-5</b>
<b>Table of Sign Regulations</b>	<b>8-7</b>
<b>Prohibited Signs</b>	<b>8-8</b>
<b>Nonconforming Signs</b>	<b>8-9</b>
<b>Permits</b>	<b>8-9</b>
<b>Required</b>	<b>8-9</b>
<b>Approval</b>	<b>8-9</b>
<b>Revocation</b>	<b>8-10</b>
<b>ARTICLE 9 - LANDSCAPING</b>	
<b>Application</b>	<b>9-1</b>
<b>General Standards</b>	<b>9-1</b>
<b>Foundation Plantings</b>	<b>9-2</b>
<b>Parking Lot Plantings</b>	<b>9-2</b>
<b>Buffers</b>	<b>9-2</b>
<b>Greenbelts</b>	<b>9-3</b>

## **ARTICLE 10 – ZONING DISTRICTS**

<b>Uses Permitted</b>	<b>10-1</b>
<b>Conditional Uses Permitted Subject to Special Regulations</b>	<b>10-1</b>
<b>Uses Permitted by Special Land Use Permit Regulations</b>	<b>10-1</b>
<b>District Provisions</b>	<b>10-1</b>
<b>Agriculture AG</b>	<b>10-1</b>
<b>Resort RS</b>	<b>10-2</b>
<b>Single Family Residential R-1</b>	<b>10-5</b>
<b>Rural Residential R-2</b>	<b>10-5</b>
<b>Island Residential R-3</b>	<b>10-7</b>
<b>Mobile Home Park MH</b>	<b>10-7</b>
<b>Commercial C</b>	<b>10-8</b>
<b>Industrial M</b>	<b>10-9</b>
<b>Light Industrial LM</b>	<b>10-10</b>
<b>Parking P</b>	<b>10-12</b>
<b>Public and Quasi-Public District Q</b>	<b>10-12</b>
<b>Shore Strip SS</b>	<b>10-13</b>
<b>Table of Uses</b>	<b>10-14</b>
<b>Table of Dimensional Regulations</b>	<b>10-19</b>

## **ARTICLE 11 – SPECIAL LAND USES AND SPECIAL USE PERMITS**

<b>Authority</b>	<b>11-1</b>
<b>Construction Code Permit</b>	<b>11-1</b>
<b>Application Procedure</b>	<b>11-1</b>
<b>Application</b>	<b>11-1</b>
<b>Application Contents</b>	<b>11-1</b>
<b>Review for Completeness</b>	<b>11-3</b>
<b>Public Hearing</b>	<b>11-3</b>
<b>Notice of Public Hearing</b>	<b>11-3</b>
<b>Review and Approval</b>	<b>11-3</b>
<b>Length of Review Period</b>	<b>11-3</b>
<b>Decision</b>	<b>11-4</b>
<b>Conditions</b>	<b>11-4</b>
<b>Record of Special Use Permit</b>	<b>11-4</b>
<b>Recording of Special Use Permit</b>	<b>11-4</b>
<b>General Requirements and Standards</b>	<b>11-5</b>
<b>Specific Requirements and Standards</b>	<b>11-5</b>

<b>Automotive Uses</b>	<b>11-5</b>
<b>Campgrounds</b>	<b>11-6</b>
<b>Drive-Through Facilities</b>	<b>11-6</b>
<b>Golf Courses</b>	<b>11-7</b>
<b>Kennels</b>	<b>11-7</b>
<b>Motels, Hotels</b>	<b>11-7</b>
<b>Museums</b>	<b>11-7</b>
<b>Place of Worship</b>	<b>11-8</b>
<b>Public Administration</b>	<b>11-8</b>
<b>Recreation Facilities</b>	<b>11-8</b>
<b>Retail Nurseries, Lawn and Garden Supply Stores</b>	<b>11-8</b>
<b>Schools</b>	<b>11-8</b>
<b>Scrap and Waste Materials, Junk Yards</b>	<b>11-9</b>
<b>Storage</b>	<b>11-9</b>
<b>Wireless Communication Facilities</b>	<b>11-9</b>
<b>Relationship to Site Plan</b>	<b>11-9</b>
<b>Required Compliance</b>	<b>11-10</b>
<b>Violation of Special Use Permit</b>	<b>11-10</b>
<b>Amendments</b>	<b>11-10</b>
<b>Transfer of Special Use Permit</b>	<b>11-10</b>
<b>Expiration of Special Use Permit</b>	<b>11-11</b>
<b>Reapplication</b>	<b>11-11</b>
<b>Appeals</b>	<b>11-11</b>
<b>Pre-Existing Special Use</b>	<b>11-11</b>
<b>Burden of Proof</b>	<b>11-12</b>
<b>ARTICLE 12 – DEVELOPMENT OPTIONS</b>	<b>12-1</b>
<b>Base Density</b>	<b>12-1</b>
<b>Open Space Preservation Developments</b>	<b>12-1</b>
<b>Planned Residential Developments</b>	<b>12-2</b>
<b>Planned Unit Developments</b>	<b>12-4</b>
<b>Procedure</b>	<b>12-7</b>
<b>Phasing</b>	<b>12-7</b>
<b>Amendments</b>	<b>12-7</b>
<b>ARTICLE 13 – CONDOMINIUM DEVELOPMENT</b>	<b>13-1</b>
<b>Legal Authority</b>	<b>13-1</b>
<b>Procedure</b>	<b>13-1</b>
<b>Consultation</b>	<b>13-1</b>

<b>General Requirements</b>	<b>13-1</b>
<b>Compliance with Federal, State and Local laws</b>	<b>13-1</b>
<b>Required Content</b>	<b>13-1</b>
<b>Utility Easements</b>	<b>13-2</b>
<b>Private Roads</b>	<b>13-2</b>
<b>Encroachment Prohibited</b>	<b>13-2</b>
<b>Relocation of Boundaries</b>	<b>13-2</b>
<b>Condominium Units</b>	<b>13-2</b>
<b>Performance Guarantees</b>	<b>13-2</b>
<b>Condominium Subdivisions</b>	<b>13-3</b>
<b>Compliance of Condominium Lot</b>	<b>13-3</b>
<b>Layout and Design</b>	<b>13-3</b>
<b>Condominium Development Without Subdivision of Land</b>	<b>13-3</b>
<b>Mobile Home Condominium Project</b>	<b>13-3</b>
<b>Additional Filings Required</b>	<b>13-3</b>
<b>ARTICLE 14 – SITE PLAN REVIEW</b>	
	<b>14-1</b>
<b>Authority</b>	
<b>Requirement</b>	<b>14-1</b>
<b>Permits</b>	<b>14-1</b>
<b>Optional Sketch Plan Review</b>	<b>14-1</b>
<b>Type of Site Plans</b>	<b>14-1</b>
<b>Site Plan Detail Requirements</b>	<b>14-2</b>
<b>Exceptions</b>	<b>14-5</b>
<b>Application Procedure</b>	<b>14-5</b>
<b>Application</b>	<b>14-5</b>
<b>Application Contents</b>	<b>14-5</b>
<b>Required Copies</b>	<b>14-5</b>
<b>Review for Completeness</b>	<b>14-6</b>
<b>Consultant Reviews</b>	<b>14-6</b>
<b>Review and Approval</b>	<b>14-7</b>
<b>Simultaneous Review</b>	<b>14-7</b>
<b>Decision</b>	<b>14-7</b>
<b>Conditions</b>	<b>14-8</b>
<b>File Copies</b>	<b>14-8</b>
<b>General Requirements and Standards</b>	<b>14-8</b>
<b>Security Requirements</b>	<b>14-9</b>
<b>Required Compliance</b>	<b>14-9</b>
<b>Expiration of Site Plan Approval</b>	<b>14-10</b>
<b>Amendments</b>	<b>14-10</b>

<b>Reapplication</b>	<b>14-10</b>
<b>ARTICLE 15 – PLANNING COMMISSION</b>	<b>15-1</b>
<b>Introduction</b>	<b>15-1</b>
<b>Spatial Location</b>	<b>15-1</b>
<b>Demographics</b>	<b>15-2</b>
<b>Economy</b>	<b>15-8</b>
<b>ARTICLE 16 – ZONING BOARD OF APPEALS</b>	<b>16-1</b>
<b>Introduction</b>	<b>16-1</b>
<b>Spatial Location</b>	<b>16-1</b>
<b>Demographics</b>	<b>16-2</b>
<b>Economy</b>	<b>16-8</b>
<b>ARTICLE 17 – NON-CONFORMITIES</b>	<b>17-1</b>
<b>Introduction</b>	<b>17-1</b>
<b>Spatial Location</b>	<b>17-1</b>
<b>Demographics</b>	<b>17-2</b>
<b>Economy</b>	<b>17-8</b>
<b>ARTICLE 18 - AMENDMENTS</b>	<b>18-1</b>
<b>Introduction</b>	<b>18-1</b>
<b>Spatial Location</b>	<b>18-1</b>
<b>Demographics</b>	<b>18-2</b>
<b>Economy</b>	<b>18-8</b>
<b>ARTICLE 19 – BLIGHT ELIMINATION</b>	<b>19-1</b>
<b>Introduction</b>	<b>19-1</b>
<b>Spatial Location</b>	<b>19-1</b>

<b>Demographics</b>	<b>19-1</b>
<b>Economy</b>	<b>19-2</b>
<b>Economy</b>	<b>19-8</b>
<b>ARTICLE 20 – ENTERTAINMENT NUDITY ORDINANCE</b>	<b>20-1</b>
<b>Introduction</b>	<b>20-1</b>
<b>Spatial Location</b>	<b>20-1</b>
<b>Demographics</b>	<b>20-2</b>
<b>Economy</b>	<b>20-8</b>
<b>ARTICLE 21 – LAND DIVISION ORDINANCE</b>	<b>21-1</b>
<b>Introduction</b>	<b>21-1</b>
<b>Spatial Location</b>	<b>21-1</b>
<b>Demographics</b>	<b>21-2</b>
<b>Economy</b>	<b>21-8</b>

<b>ARTICLE 22 - STRATEGIES FOR IMPLEMENTATION</b>	<b>22-1</b>
<b>Administration</b>	<b>22-1</b>
<b>Officials</b>	<b>22-1</b>
<b>Land Use Permits</b>	<b>22-1</b>
<b>Annual Report</b>	<b>22-4</b>
<b>Other Duties</b>	<b>22-4</b>
<b>Required Fees</b>	<b>22-4</b>
<b>Enforcement</b>	<b>22-5</b>
<b>Removal of Hazards</b>	<b>22-5</b>
<b>Violations and Penalties</b>	<b>22-5</b>
<b>ARTICLE 23 - COMMUNITY PROFILE</b>	<b>23-1</b>
<b>Legal Basis</b>	<b>23-1</b>
<b>Validity and Severability</b>	<b>23-1</b>
<b>Effective Date</b>	<b>23-1</b>
<b>Period of Effectiveness</b>	<b>23-1</b>