



The Charter Township of Harrison Zoning Ordinance



DRAFT

Adopted:
Draft: October 2015

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Ordinance No. ____
ZONING ORDINANCE

**CHARTER TOWNSHIP OF HARRISON
Macomb County, Michigan**

Adopted by the Township Board:

Effective Date:

TITLE

AN ORDINANCE enacted under Act 110, Public Acts of 2006, as amended, governing the incorporated portions of the Charter Township of Harrison, Macomb County, Michigan, to regulate and restrict location and use of land, buildings and natural resources designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts and open spaces; to regulate and limit the density of population; and for said purposes, to divide the Charter Township into districts and establishing the boundaries thereof; to provide for a method for the adoption of ordinances and amendments thereto; to provide for emergency interim ordinances; to provide for the administering of ordinances and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Appeals; and imposing penalties for the violation of this Ordinance; to provide for the collection of fees for permits.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided, and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Charter Township of Harrison by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, all in accordance with the Township Master Plan, as provided for in Act 33, Michigan Public Acts of 2008, as amended.

NOW, THEREFORE, THE CHARTER TOWNSHIP OF HARRISON ORDAINS:

Section 1.01 SHORT TITLE

This Ordinance shall be known and may be cited as the Charter Township of Harrison Zoning Ordinance and shall be referred to herein as "this Ordinance."

Section 2.01 APPLICATION

No building or structure, or part thereof, shall hereinafter be moved into the Township, erected, constructed, reconstructed or altered and maintained, and no new use or change of use shall be made or maintained of any structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 2.02 INTERPRETATION

In interpreting and construing the respective provisions of this Ordinance, they shall be interpreted and construed to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, restrictions or limitations than are imposed or required by the provisions of any other ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Whenever a provision of this Ordinance conflicts with another provision of this Ordinance, the more stringent requirement shall be imposed.

Section 2.03 VESTED RIGHT (STRUCTURES UNDER CONSTRUCTION)

Any structure for which a building permit has been issued and construction begun, may be completed and used in accordance with the plans and applications upon which said building permit was granted. Any permit for a use which would be nonconforming under this Ordinance, or any amendment hereto, shall not be renewed in the event construction has not commenced before the effective date of this Ordinance.

Section 3.01 INTENT

Site plan review provides the Township with an opportunity to review the proposed use and development of a site in relation to all applicable provisions of the Zoning Ordinance, the Master Plan and Township planning. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.

Section 3.02 PLANNING STANDARDS

In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:

A. Vehicular Access and Circulation.

1. **Access** — The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal and external circulation, taking into consideration such issues as proper driveway alignment, driveway spacing and internal connectivity between sites. The Planning Commission shall require public streets adjacent or through a proposed development when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.
2. **Circulation** — On-site circulation shall be clearly indicated on the plan. Access lanes, maneuvering lanes, parking stalls, stacking lanes, loading/unloading bays and doors, shall be designed in a manner that promotes the general safety, convenience, and interaction of both vehicles and pedestrians. The relationship to and the impacts upon adjacent properties shall also be considered.

B. Relationship to Surrounding Property.

All site development features shall be arranged to minimize the potential for negatively impacting surrounding property. In making this determination, the Planning Commission shall review the plan for negative conditions, such as, but not limited to:

1. Channeling excessive traffic onto local residential streets.
2. The lack of adequate screening of parking, maneuvering, or service areas.
3. Excessive visual pollution caused from lighting and debris.

4. The building structure and use shall be generally consistent in size, scale, and intensity with the adjacent uses.
5. The layout provides impediments to the access of emergency vehicles.

C. Relationship to Natural Features.

All buildings, driveways, parking lots, and site improvements shall be designed to be compatible with all natural features on-site. The site buildings and improvements shall not encroach into the physical characteristics of the site, such as wetlands, floodplains and natural drainage ways, and shall minimize the impact on environmental features, including, but not limited to, woodlands, slopes and sensitive soils. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area. In no way shall natural drainage ways or other natural water retention bodies be altered in a manner that reduces or significantly alters the current drainage location, patterns or volumes.

D. Infrastructure.

The Planning Commission shall consider the Township Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.

Section 3.03 REVIEW QUALIFICATION

- A. A site plan shall be submitted for review and approval by the Planning Commission whenever one or more of the following conditions apply:
1. Whenever a building permit is required for the erection, expansion or structural alteration of a building (other than single-family homes, one two-family structure, farm buildings or accessory structures to these residential uses).
 2. For the addition or construction of site features or activity area such as, but not limited to, fences, pools, picnic areas, storage/collection bins, dumpster enclosures, dumpsters, flag poles, lights, loading/unloading areas and similar type structures.
 3. For the construction, use or establishment of a new or additional parking or storage area.
 4. For all special land uses,
 5. For any substantial change in use or class of use when referred by the Building Official.
 6. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.

B. Technical Reviews.

1. The Township Planning and Zoning Department shall submit a request for a technical change of a site plan, subdivision plat or site condominium plan to the Technical Committee for review and action. A technical change is a minor revision to an approved site plan which does not change the character, nature, intent or use of the original site plan. To be a technical change, a minor revision shall not include any of the following:
 - a. Addition to a building or structure of more than 500 square feet. This shall not include additional/detached buildings to the site
 - b. Addition or change to a site that significantly impacts site vehicular circulation.
 - c. Addition or change to a site which significantly increases the intensity of use.
 - d. Addition or change to a site which increases the number of residential lots or units.

2. The Technical Committee, comprised of the Building Official, Township Engineer and Township Planner, may waive, upon unanimous consent, the site plan submission requirement when the proposed building or site change is obviously minimal based on the standard above.
 - a. Where it is determined by the Technical Committee that certain requirements of this section are not necessary to the review and understanding of the site plan, the Technical Committee may waive the requirements.
 - b. The Technical Committee may approve, deny, or postpone action on any technical change. If denied, the applicant shall be notified of the reasons for such denial and directed to proceed with a full site plan submission. If approved, the plans shall be forwarded for engineering review, if applicable, or directly to the Building Department for building permit processing.
 - c. The Planning Commission is to be informed of any actions of the Technical Committee at its next meeting.

Section 3.04 SUBMISSION REQUIREMENTS

A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included. All site plans submitted for consideration shall include the following information:

A. General Site Data.

1. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data.

2. The dimensions of all improvements and yards shall be labelled in a manner that clearly indicates the plan's compliance with the applicable Zoning Ordinance standards and requirements.
3. Northpoint and scale should customarily be provided at 1" = 20' or 1" = 30'. For large-scale development, 1" = 50' may be acceptable, provided all important typical areas and Ordinance requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale.
4. Complete legal description.
5. Size of the site expressed in acres.
6. Location map (4 inches = 1 mile) showing major roads, nearby cross-streets and property lines, where necessary.
7. Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts.
8. Proposed address, if available.
9. Location of existing structures and improvements. (Indicate any structure or improvement proposed for removal.)
10. Location of proposed structures and improvements.
11. Yards/setbacks and critical dimensions between buildings and other site improvements.
12. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks, etc.) within two hundred (200') feet of all property lines.
13. Topography at one (1') foot contours and grid shots at fifty (50') foot intervals (existing and proposed).
14. Benchmarks.
15. Drawings dated and Issued for site plan review

B. Building Plans.

1. All architectural building elevations (front, sides and rear).
2. Type of surface material and design of all exterior surfaces.
3. Dimensioned floor plans (principal and accessory buildings).
4. Decks and/or patios (dimensions, location, height and materials).

C. Access, Parking and Circulation.

1. Existing and proposed rights-of-way for all abutting roads.
2. Location and dimensions of all driveways and street approaches.
3. Indicate the type of surface (paving).
4. Maximum occupancy of the building, as determined by the Fire Department, where the parking is based on such requirement.
5. Parking spaces (location, number, dimensions, aisle dimensions and surface material).
6. Site circulation pattern (direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement).
7. Identification of all fire lanes.
8. Sidewalks, interior walks and their connection.
9. Carport locations and details (including architectural elevations).

D. Environmental Features.

1. Complete landscaping plan, including ground cover, bedding materials (e.g. mulch) and the location, number, names (common and botanical) and starting size of all proposed plantings prepared and sealed by a landscape architect registered in the State of Michigan.
2. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed.
3. Whenever a tree or group of trees of three (3) inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted "to be removed."
4. The location and types of all natural materials proposed to be included in the landscape treatment of the yard areas.
5. Greenbelts, walls and/or berm details. (Provide at least one cross-section for each type used.)
6. Site irrigation (sprinklers). Indicate all areas to be irrigated
7. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
8. Trash receptacles and method of screening.
9. Site lighting details (location, height, type, intensity and shielding).
10. Freestanding sign location. (Dimension setback from the centerline of the road or highway.)

E. Other Information.

1. Location of all site utilities.
2. Site drainage characteristics and improvements.
3. Park or recreation areas (show boundary and size in square feet).
4. Fences (location and details).
5. Statistical data shall be furnished, including: number of dwelling units; size of dwelling units (i.e., 1-bedroom, 2-bedrooms and 3-bedrooms), if any; and the total gross acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
6. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions and other data of all such equipment and/or machinery shall be indicated.
7. Proposed or intended phasing shall be clearly shown and described on the site plan.

F. Where it is determined by the Planning Commission that certain requirements of this Section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the Commission's minutes, together with the unique circumstances and reasons for such waiver.

Section 3.05 REVIEW PROCEDURES

A. Submission.

The proposed site plan shall be submitted to the Planning and Zoning Department, or other designated representative, who shall check the submission data and transmit it to the following departments, agencies and consultants, as applicable:

1. Macomb County Department of Roads or Michigan Department of Transportation, whichever is appropriate.
2. Macomb County Public Works Commissioner.
3. Macomb County Health Department.
4. Fire Department.
5. Building Department.
6. Assessor's Office.
7. Township Engineer.

8. Township Planner.
9. Planning Commissioners (one for each).
10. Planning Commission File.
11. L'Anse School District (residential plans).
12. Selfridge Air National Guard

Each department, agency or professional shall provide written comments regarding the site plan for consideration of the Planning Commission. The Planning and Zoning Department shall next submit the site plan with the available written comments from the various agencies and departments to the Planning Commission for review at the meeting at which the site plan is placed on the agenda.

B. Planning Commission Review.

The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the Ordinance, including those items listed above and other factors to be considered by the Township in planning and establishing zoning districts as authorized under this Ordinance. The Commission shall also require review and comment from the Township Planner, Township Engineer and Township Attorney, where appropriate. Approval of the site plan by the Planning Commission shall satisfy the requirements of this Zoning Ordinance. It shall not, however, exempt the petitioner from compliance with other Township ordinances. The approved site plan shall be part of the record of approval and subsequent development, construction, and other actions relating to the activity authorized by such site plan approval shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance receives the mutual agreement of the landowner and the Planning Commission.

C. Approval Period.

A site plan approval shall be valid for twelve (12) months from the date of approval. If physical improvement of the site is not in actual progress at the expiration of the approval and diligently pursued to completion, the approval shall be null and void, unless renewed or extended by specific Planning Commission action. Any request for an extension shall be made in writing. If approval is not extended before expiration of the twelve (12) month period, then a new application and a new approval shall be required before a building permit may be issued. The Planning Commission may grant a maximum of four (4) extensions for any given site plan with the total combined time period not to exceed twenty-four (24) months. For site condominiums, preliminary site condominium approval and final site condominium approval shall be considered their own separate valid approval under the above-mentioned time period.

1. In reviewing a site plan extension request, the Planning Commission shall consider the following prior to granting the request:

- a. The applicant has presented sufficient reasons/documentation as to why construction has not commenced;
- b. The applicant is diligently pursuing completion of the project. Verification has been provided by the Township Engineer and/or Building Official which indicates that the project is still moving forward;
- c. No new ordinance provisions have been adopted which would substantially alter the design of the previously approved plan;
- d. No changes in the master plan, surrounding development patterns or economic conditions have occurred since the site plan was originally approved;
- e. No substantial changes in the Township road or sewer infrastructure have occurred that had not been taken into consideration at the time the site plan was originally approved.

D. Performance Bonds.

To ensure compliance with any conditions imposed under the zoning ordinance, a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements may be required to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to issue the permit. The Township shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.

E. Appeals.

An applicant for a site plan approval may appeal the decision of the Planning Commission to the Township Zoning Board of Appeals.

F. Review Fees.

A site plan fee shall be required to cover the cost of review by the Township's Engineer, Planner, and other professionals and Township services, in accordance with a schedule of fees as determined by resolution of the Township Board.

G. Compliance.

Any construction, development and/or activity(ies) approved by the Township, by and through the site plan review process, shall be undertaken and completed in strict compliance with the approved site plan of record.

The approved site plan of record shall include any properly recorded plan(s), map(s), drawing(s), photograph(s), specification(s), documents(s), and audio/video transcription(s) which serve to describe or illustrate any specific development, construction and/or activity approved by the Township, by and through the site plan review process.

Section 3.06 SITE CONDOMINIUM SUBDIVISION AND CONDOMINIUM DEVELOPMENT

The intent of these requirements is to ensure that all site condominium subdivisions and condominiums are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the Township's ordinances and requirements.

Single-family detached site condominiums may be allowed as a permitted use in any single-family zoning district, subject to site plan review by the Planning Commission. The review procedures for commercial and industrial site condominium subdivisions shall also be regulated by this Section.

1. Submission Requirements.

All site condominium subdivision and condominium plans shall be submitted for review, as required by Article 3 of this Ordinance and Section 66 of the Condominium Act, and shall include all submission requirements of Section 3.04 and the following additional information:

- a. A certified boundary survey of the condominium site. The survey shall be tied to two established government corners.
- b. A plan delineating all natural and man-made features on the site, including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
- c. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
- d. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of Act 288 of 1967, at some future date.
- e. A utility plan showing all sanitary sewer, water and storm drainage improvements, plus all easements granted to the Township for installation, repair and maintenance of all utilities.
- f. A street construction, paving and maintenance plan for all streets within the proposed condominium subdivision plan.
- g. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.

2. **Review Procedures.**

Pursuant to authority conferred by Section 141 of the Condominium Act, all site condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvements initiated. In determining whether to approve a site condominium subdivision plan, the Planning Commission shall consult with the Township Attorney, Planner and Engineer regarding the adequacy of the submission as it relates to the Harrison Township Zoning Ordinance and requirements of the Condominium Act, as well as consistency with the Master Plan. The review process shall consist of the following two steps:

a. **Preliminary Plan Review.**

In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of the Harrison Township Zoning Ordinance and the Master Plan. Plans submitted for preliminary review shall include information specified in items a., b. and c. of the Submission Requirements in subsection 1 above.

b. **Final Plan Review.**

Upon receipt of Preliminary Plan Approval, the applicant shall prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by the Submission Requirements in subsection a. through g. above. Such plans and information shall be reviewed by the Township Attorney, Engineer and Planner. Further, such plans shall be submitted for review and comment to all applicable local, County and State agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.

3. **District Requirements.**

The development of all site condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The density of development of the project shall be no greater and spacing no less than would be permitted if the property were a platted subdivision. Site condominiums located within a Planned Unit Development (PUD) shall be governed by the standards approved as part of the overall PUD plan.

4. **Design Standards.**

All streets and roads in a site condominium subdivision shall conform to the standards of the Harrison Township Subdivision Ordinance if the streets are to be dedicated to the public, or to standards and requirements of the Harrison Township Engineering Ordinance if private. Public streets shall be required, when necessary, to provide continuity to the public road system. All other improvements in site condominium subdivisions shall meet the standards of the Harrison Township Subdivision Ordinance.

5. Utility Easements.

The condominium subdivision plan shall include all necessary public utility easements granted to Harrison Township to enable the installation, repair, and maintenance of all necessary public utilities to be installed. Appropriate dedications for sanitary sewers, water mains and storm drainage improvements shall be provided.

6. Final Acceptance.

The Township shall also require all the appropriate inspections. After construction of the condominium, the developer shall follow the as-built submittal and review process established by the Building Department. A final certificate of occupancy and any construction bonds or letter of credit will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the Township.

Section 3.07 DEVELOPMENT IMPACT STATEMENT

A. Statement of Intent.

The purpose of the Development Impact Statement (DIS) is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, traffic, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.

B. Submission Requirements.

Qualifications of Preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.

A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:

1. For any request for site plan review or rezoning having an area of five (5) acres or more or for any proposal that requires special land use approval.
2. For any proposal for residential development (site plan, subdivision or site condominium) of fifty (50) or more units and/or resulting in a density of more than five (5) units per acre.

C. The Commission may waive any of the DIS submission requirements if it is determined that the subject information is not necessary to conduct a review of the application. However, the Traffic Study may be waived only in instances where it is determined that the development will not generate a significant amount of traffic above and beyond current traffic conditions abutting the site.

D. Information and Data Required.

1. The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or special land use, as specified in the Zoning Ordinance and Subdivision Ordinance; and, in addition, the following supplemental information shall be required:
 - a. Location map at 1" = 200', indicating the location of the subject property in relation to the Township's thoroughfare system.
 - b. Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one half ($\frac{1}{2}$) mile, measured from the boundaries of the site.
 - c. Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one half ($\frac{1}{2}$) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
 - d. Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by the Macomb County Planning Commission or by the Southeast Michigan Council of Governments (SEMCOG).
 - (1) Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). If the possibility of wetlands exist on-site, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.
 - (2) A woodlands map identifying the location, size and type of site vegetation, as required by the Harrison Township Zoning Ordinance.
 - (3) Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drain, gas lines, electric lines, etc.) on the site or available to serve the site.
 - (4) Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.
 - e. Conceptual Plan, showing how the proposed development relates to the above referenced conditions.
 - f. Any application for commercial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.

- g. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.

2. **Impact Assessment.**

The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.

a. **Land Use Impacts.**

- (1) Brief description of the proposed land use.
- (2) Hours of operation, if applicable.
- (3) Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.
- (4) Project phasing plan or schedule.
- (5) Describe how existing natural features will be preserved.
- (6) Describe any impact on ground water quality or quantity.

b. **Impact on Public Utilities.**

- (1) Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
- (2) General calculations for water flows and water demands and how they relate to sewer line capacity.
- (3) For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Macomb County Health Department shall be required.
- (4) Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Macomb County Drain Commissioner stating their initial concerns and recommendation shall be attached.

c. **Impact on Public Services.**

- (1) Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Particular attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.

d. **Traffic Impacts.**

(1) Description of Existing Traffic Conditions:

- i. Traffic Counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or road agency may permit 24 hour counts up to three (3) years old to be increased by a factor supported by documentation or a finding that traffic has increased at a rate less than two (2%) percent annually in the past three to five years.
- ii. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
- iii. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
- iv. The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
- v. Approved developments within the study area shall be part of all calculations for anticipated traffic.

(2) Trip Generation.

- i. Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan. All approved but not yet constructed developments shall be included in the forecasted trip generation for the area.
- ii. For rezoning requests where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Planning Commission.

- iii. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
- iv. For projects intended to be developed in phases, the trip generation by phase shall be described.

(3) Trip Distribution.

The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.

(4) Impact Analysis.

Level of service or “capacity” analysis at all intersections significantly impacted by the proposed development shall be provided using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.

(5) Access Design/Access Management Standards.

The report shall include a map and description of the location and design of proposed access (driveways or new street intersections), including any sight distance limitations, dimensions from adjacent driveways and intersections within 250 feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Harrison Township and the Road Commission of Macomb County (not required for rezoning application).

(6) Other Study Items.

The traffic impact study shall include:

- i. Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
- ii. Changes which should be considered to the plat or site plan layout.
- iii. Description of any needed non-motorized facilities.
- iv. If the use involves a drive-thru facility, the adequacy of the (queuing and/or stacking) area should be evaluated.
- v. If a median crossover is desired, separate analysis should be provided.

- vi. If a traffic signal is being requested, the relationship of anticipated traffic-to-traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
- vii. Description of site circulation and available sight distances at site driveways.
- viii. Conflicts with pedestrian traffic within the development and along all site boundaries that require sidewalk access.

(7) **Mitigation/Alternatives.**

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

- (8) All traffic impact studies shall be prepared by a registered Professional Engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three years of recent experience in the preparation of traffic impact analyses and provide evidence of ongoing familiarity with the Highway Capacity Manual.

E. Evaluation Standards.

In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:

1. Land Use Impacts.

- a. The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
- b. The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.

2. Public Utilities.

- a. Public water and sanitary sewers with adequate capacity to serve the site are available, as determined by the Township Engineer.
- b. For sites where public utilities are not available, documentation has been provided by the appropriate agency that the site is capable of supporting on site wastewater disposal systems and well(s).
- c. That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff, and will not cause undue runoff onto neighboring property or overloading the watercourses in the area.
- d. That the plan provides for the proper extension of public utilities and drainage improvements as provided for in the Township Master Plan and as determined by the Township Engineer.

3. Public Services.

- a. The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel.
- b. Adequate recreation facilities are available to serve the anticipated residents of the development (applicable to residential projects only).
- c. Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only).

4. Economic Impacts (for rezonings only).

- a. The project will have a beneficial impact on the local economy by increasing employment opportunities and increasing and diversifying the Township's tax base.
- b. The applicant has demonstrated that a sufficient market demand exists to support the use based on a documented market study and that the use will not create vacancies for existing retail establishments within the trade area.

5. Traffic Impacts.

- a. The proposed development has access to a public road capable of supporting the development.

- b. The use will not increase traffic that will effectively result in a level of service of "D" or lower on the abutting road or at intersections proximate to the proposed development.
- c. The number of driveways serving the site are the minimum necessary to accommodate anticipated traffic.
- d. The placement and design of driveways will accommodate safe movement of traffic into and out of the site.
- e. Adequate provisions have been made to accommodate pedestrians.
- f. Appropriate mitigation measures have been provided to address the anticipated traffic impacts of the development.

6. Natural Resources.

- a. That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
 - b. The proposed development does not encroach into floodways or floodplains.
 - c. That soil conditions are suitable for excavation and site preparation and the wet or unstable soils not suitable for development will be either undisturbed or modified in an acceptable manner.
 - d. The proposed development will not cause soil erosion or sedimentation problems.
7. Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.

F. Processing Requirements.

- 1. A Development Impact Statement shall accompany applications for rezoning, special land use, site plan review, tentative preliminary plat approval and preliminary condominium approval.
- 2. The Development Impact Statement, along with other applicable information required for the specific request, shall be considered by the Planning Commission and/or Township Board, as required in this Ordinance and / or the Harrison Township Land Division Ordinance.

Section 4.01 EXTERIOR FACING MATERIALS AND BUILDING DESIGN

The Planning Commission shall consider the building design for an existing, proposed, or expanding use as part of its review. In addition to the use, the Planning Commission shall consider whether each proposed building or use is of appropriate location, size and character, is harmonious with the appropriate and orderly development of the balance of the site, is not detrimental to the development of adjacent uses, does not create any vehicular or pedestrian hazards, and is aesthetically compatible with existing and proposed buildings and uses upon the site.

A. Non-Residential Building Design Elements

1. All site plans prepared should follow the design guidelines adopted as part of the 2010 Master Plan. Buildings should be designed with a nautical theme and should utilize marine-based site amenities to add to the nautical character of the site.
2. Nautical themes shall be developed from form, orientation and base materials. The exterior of the building should contain nautical design elements, such as domers, cupolas, residential style and sized windows, and facade breaks, which shall provide ten (10) feet of depth variation for every sixty (60) feet of building frontage. In addition, site amenities such as anchors, life preservers and other nautical themed elements should be incorporated into the site.
3. All buildings that front on a public street shall be oriented in such a manner that the main facade and architectural features are parallel to the street. The actual building entrance is not required to front the street.

B. Commercial, Institutional, Public, and Office Building Material Requirements

1. **Front Façade:** Any portion of the building or building facade that is visible from the street shall be constructed with a minimum of 75 percent (75%) fiber cement board siding. Clay brick, stone or architectural precast concrete may be permitted as a secondary treatment. Color integrated block, EIFS, factory finish seam metal or other similar façade materials may be used as an accent material for no more than ten percent (10%) of surface material. Materials that are susceptible to contact damage (e.g. EIFS) shall not be utilized in areas below eight feet (8') from the established grade.
2. **Sides and Rear:** Color integrated block, stone, clay brick, concrete brick, and fiber cement siding are acceptable surface materials and standards for the sides and rear of commercial and office buildings.
3. The applicant shall designate painted surfaces on their submission. Paints with long-term warranties against chipping, scaling, or similar types of deterioration shall be used.
4. All materials utilized shall be installed and finished according to the manufacturer's specifications.

C. Industrial Building Material Requirements.

1. Front: The office area of the front façade shall be surfaced with clay brick or stone. If the clay brick or stone surface is not continued throughout the entire front façade, the remainder may be surfaced with factory finish seam metal only if it is eight feet (8') above the established grade.
2. Sides and Rear. Acceptable surface materials and standards for the sides and rear of industrial buildings include color integrated block, stone, clay brick, and seam metal that is eight feet (8') above the established grade. If the sides or rear of a non-residential building are adjacent to residential zoned area, the entire building must meet the requirements for surface materials for the façade.
3. All materials proposed to be painted shall be designated as such. Only paints with long-term warranties against chipping, scaling, or similar types of deterioration shall be used.

D. Single and Two Family Residential Uses Design Criteria.

1. Permitted surface materials include a minimum of fifty one (51%) percent of clay brick, stone, wood siding, fiber cement siding, and/or vinyl siding. Any future materials matching in durability and aesthetics to the materials mentioned above, deemed acceptable and consistent with the Master Plan by the Planning Commission, may be approved.
2. The front elevation of single-family detached dwelling units shall not re-occur in the same or a substantially similar structural form on another dwelling within the same block, without there being at least three (3) other dwellings with a different front elevation between the repeating dwellings. Different colors or materials do not constitute different front elevations. Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
3. Each dwelling shall have either a roof overhang of not less than six inches (6") on all sides, or alternatively with roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
4. Each dwelling shall have at least two (2) exterior doors, with the second one being in either the rear or side of the dwelling.

E. Multiple Family Residential Uses

Any multiple family dwelling principal or accessory building shall be constructed with a minimum of 51% clay brick, stone, wood siding, fiber cement siding, and/or vinyl siding.

F. Manufactured Housing Design Criteria

Plans for modular prefabricated units and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980, as amended) prior to the issuance of a building or occupancy permit.

1. Manufactured Housing, mobile homes or trailers shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280 and as, from time-to-time, such standards may be amended).
2. The Building Official shall be furnished a certificate stating that each dwelling meets the minimum building code requirements applicable to such structure or shall include a seal attached to the unit.
3. The foundation shall be installed per the manufacturer's set-up instructions, shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a continuous perimeter wall.

G. Nautical Themed Accessory Structures

For a proposal that has met the applicable requirements of Section 4.01A-F., the Planning Commission may vary setback or landscaping requirements to accommodate the installation of a nautical themed accessory structure (e.g. light house, anchor, etc.).



Section 5.01 ACCESSORY BUILDINGS IN NON-RESIDENTIAL & MULTI-FAMILY DISTRICTS

In multiple-family, commercial, industrial or marina districts, and any other such district, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard in nonresidential districts, upon planning commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

When an accessory building is intended for other than the storage of accessory light motor vehicles and incidental maintenance equipment, the accessory use shall be subject to the approval of the planning commission.

Section 5.02 ACCESSORY BUILDINGS IN SINGLE FAMILY RESIDENTIAL DISTRICTS

A. *General Requirements.*

1. Where an accessory building is structurally attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
2. A maximum of two (2) detached accessory buildings shall be permitted per site.
3. Covered boat wells shall count towards the number of detached accessory structures permitted. Exception: Covered boat wells shall not count towards the maximum allowable square footage permitted under this section. Portions of boat wells built over land shall be included in the maximum allowable square foot calculations.
4. No accessory building shall be constructed prior to the enclosure of the main building.
5. An accessory building, irrespective of location, shall be incidental to the principal permitted use and shall not involve any business, profession, trade or occupation
6. Accessory buildings intended for other than the storage of privately owned household goods and covered boat wells shall be subject to Zoning Board of Appeals review.
7. The applicant shall submit recordable deed restrictions which prohibit use of the accessory buildings for business purposes or as residential dwellings.
8. Accessory buildings shall not be of a metal clad pole barn or similar type structure.
9. Gazebos, swimming pools and play structures shall not be subject to the requirements of this section and shall not be considered an accessory structure.

B. *Size and Height Requirements.*

1. The total floor area of all accessory buildings, including attached garages, shall not exceed two-thirds (2/3) of the floor area of the principal dwelling.
2. Detached accessory buildings shall not exceed sixteen (16) feet in height.
3. The height of any garage door or access opening shall not exceed twelve (12) feet in height.

C. *Setbacks and Placement.*

1. A detached accessory building incidental to the dwelling shall be located only in a rear yard.
2. When a detached accessory building or structure is located on a corner lot, the building or structure shall meet the front yard setback on all street frontages.
3. No detached accessory structure shall be located closer than ten (10) feet to any main building. Exception: Open type structures, such as pergolas, gazebos, in-ground swimming pools and similar non-storage type structures, having a total wall area at least sixty (60) percent open and not structurally connected to the main building.
4. No accessory building shall be located closer than four (4) feet to any side or rear lot line. In no instance shall an accessory building be located within a dedicated easement. With respect to this Section, those premises abutting a lake, river or canal shall maintain a yard setback of at least thirty (30) feet from the ordinary high water mark.

D. *Lot Coverage.*

1. Prior to approval of detached accessory buildings, the applicant shall demonstrate compliance with maximum lot coverage and maximum impervious surface allowances of the applicable zoning district.
2. Detached accessory buildings shall not occupy more than 40% of any non-required rear yard.
3. Detached accessory buildings shall not occupy more than 25% of a required rear yard.

Section 5.03 BOAT MOORING IN RESIDENTIAL DISTRICTS

- A. The mooring of boats at the water's edge by resident family members of single or two-family residential properties is an accessory use to that subject property.
- B. The total number of boats moored parallel to the water's edge at a property shall be determined by limiting the total length overall of the moored boats to the lot measured at the water's edge.
- C. The total number of boats moored at an angle to the water's edge shall be determined by limiting the total maximum width of the moored boat to the lot measured at the water's edge.
- D. Boats moored at the water's edge shall leave a minimum of thirty (30') feet clearance and right-of-way for the free passage of watercraft. Such clearance or right-of-way shall measure fifteen (15') feet in a perpendicular direction from the middle of the stream where a plat is recorded and fifteen (15') feet from the thread of the stream in all other cases, except as hereinbefore set forth and provided.

- E. Boats moored at the water's edge shall be neatly arranged with adequate maneuvering space so as not to intrude beyond the side lot lines of the subject property projected into the waterway. Mooring of boats on a single or two-family residential property by other than resident family members may be permitted by the owners, provided:
 - 1. There is adequate room to meet the mooring standards of this subsection as described above.
 - 2. Two (2) off-street, hard-surface vehicular parking spaces shall be provided, in addition to the required driveway spaces provided for the residential home, for every moored boat not utilized by the resident family members of the property. These spaces shall be in addition to those of the owner or resident on the subject property, and shall also be provided in an area in harmony with the yard landscaping of the adjacent and nearby residences.
- F. The storage of boats on the property during the dry storage season is regulated by the Harrison Township Dry Storage of Boats Ordinance.

Section 5.04 DECKS AND PATIOS

- A. At-grade patios. At-grade patios may be constructed within required side and rear yards, but not in a required yard facing upon a street.
- B. Unenclosed, uncovered access porches. Unenclosed and uncovered access porches (i.e., one which is not roofed over) or paved terraces may project into a required front or rear yard for a distance not exceeding eight feet. Patio and porches covered or partially covered by permanent construction (awnings excepted) shall not project into any required yard space, but this shall not be interpreted to include or permit fixed canopies or awnings.
- C. Unenclosed porch, step, stairs. An unenclosed porch, steps or stairs may project into a street-facing front yard for a distance not exceeding eight feet.
- D. Decks. Decks may be allowed to project not more than fifteen (15') feet into the required rear yard provided that the following conditions are met:
 - 1. The deck does not encroach into any easement.
 - 2. The deck is not located facing any street.
 - 3. The deck conforms with applicable side yard setback requirements.
 - 4. The deck is located not less than ten feet from any detached accessory building. This separation shall not apply to any accessory structure.
 - 5. The deck elevation shall be no greater than eight inches over the first floor grade elevation of the main structure. However, a deck around a pool may match the height of the pool.

6. Any additional structures attached to the deck, such as a gazebo or pool, shall be located at least ten feet from any structure.

Section 5.05 MECHANICAL EQUIPMENT AND CENTRAL AIR CONDITIONING

A. Residential Fixtures.

1. Central air conditioning units, generators or other similar mechanical equipment that is installed shall be located behind the rear wall of the principal and/or attached accessory structure and shall be located no less than three feet between the extreme ends (sides) of the entire structure. The unit may also be located in the side yard. All such units installed in a side yard shall meet the minimum side yard building setback requirement for the district. Replacement units, comparable to existing units, may be installed at the same location occupied by the former unit.
2. In all multiple-family developments, all central air conditioning units shall be located behind the rear walls of the structures when such location is feasible and/or practical. When a rear yard location is not determined to be feasible and/or practical by the planning commission, central air conditioning units may be located within a required or non-required side yard setback or side to side/rear building spacing requirement, as long as the existing buildings (so or planned building(s) meet all of the minimum side yard setback and/or spacing requirements of this ordinance. Regardless of the location, air conditioning units shall be screened from view and screened to mitigate any potential negative noise impacts, the appropriate screening shall be determined by the Planning Commission.
3. For purposes of this section, open patios and decks shall not be considered part of the structure.

B. Commercial Fixtures.

1. Roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view obscuring screening so as not to be visible from off the site. The design of the screening shall be approved by the Planning Commission as compatible with the architectural design of the building upon which it is located.
2. Ground mounted appliances shall be screened using decorative landscaping, a decorative wall or wood screening fence, whichever the Planning Commission determines to be most appropriate.

- ### C.
- Installation of any such equipment shall also comply with all other applicable provision of this Ordinance, as amended, and all other applicable provision of any Federal, State and local laws, ordinances and codes.

Section 6.01 FENCES, WALLS, HEDGE ROWS, AND PROTECTIVE BARRIERS

The erection, construction or alteration of any fence, wall hedge row or other type of protective barrier shall be approved by the Building Official as to their conforming to the requirements of the zoning district wherein they are proposed and the requirements of this Section. Fence heights provided in this section shall also allow for a nominal clearance at the bottom between the ground and fence.

A. Non-Residential and Multiple Family Residential Uses

1. All fences, walls and similar enclosures shall require approval by the Planning Commission.
2. Fences shall not be located in the required front yard nor enclose required parking areas unless such is of a decorative nature.
3. Emergency access shall be granted at all times as approved by the Township's Fire Department and Water & Sewer Department.
4. The gates located at the entrance of a driveway shall be set back a sufficient distance to allow for an appropriately sized vehicle to access the property without impeding vehicular traffic.
5. Fences shall not exceed six (6) feet in height unless otherwise stated elsewhere in this Ordinance.
6. Prohibited elements:
 - (a) Electric current, barbed wire, spikes, razor edge, nails or any other sharp, pointed instrument of any kind on any fence shall be prohibited, except as allowed for in subsection (b) below.
 - (b) Barbed wire cradles may be placed on top of fences enclosing permitted rear yard storage in the General Commercial, Industrial and Marina Districts and public utility buildings, as deemed necessary in the interests of public safety by the Planning Commission.

B. Single Family Residential Uses

1. No fence shall hereafter be erected along a property line, within any side or rear yard taller than six (6') feet in height above the mean grade along the fence line. Chain link fences in excess of four (4') feet are not permitted.
2. Only non-obscuring decorative fencing (no chain link fence is considered to be a decorative fence) shall hereafter be located in a front yard of a lot or parcel as follows:
 - a. Three (3') feet high in the first ten (10') feet from the front property line;
 - b. The remaining distance in the front yard may be four (4) feet high.

3. Side yard fences on a corner lot shall be permitted as follows:
 - a. Non-obscuring decorative fence maximum four (4') feet high may be installed on the property line;
 - b. Privacy fence shall be set back a minimum of fifteen (15') feet from any street right-of-way.
4. Waterfront fencing located in a yard abutting water shall be permitted as follows:
 - a. Only non-obscuring decorative fence or vinyl-coated chain link fence may be installed in the first thirty (30') feet from the sea wall or the ordinary high water mark, as applicable, at a maximum four (4') feet high.
5. Electric current, barbed wire, spikes razor edge, or any sharp, pointed instrument of any kind on any fence shall be prohibited.
6. All fences shall have the post side facing the property address.
7. Underground or invisible pet fences for the containment of animals shall not be considered a fence under these provisions.
8. Soil erosion control fences, either in the form of synthetic materials or straw bales, are not permitted except on construction sites.
9. Fencing located in a public easement requires written permission from the entity controlling the public easement or reasonable access to satisfy the Building Official.
10. Non-obscuring, as used in this section, shall mean a fence with no greater than fifty (50%) percent opacity.

Section 6.02 SCREENING

- A. Screening shall be required between different zoning districts and uses according to the requirements of this Section of the Zoning Ordinance. The type of screening required in different situations is based on the following impact rankings: 1) none; 2) minor; and 3) major.
- B. Where screening is required, only one adjoining use shall be responsible for its installation, except as noted herein. This use shall be referred to as the "use providing screening." The other use shall be the "protected use." To determine the appropriate level of impact, refer to the Schedule of Screening Requirements. The level of impact is indicated where both uses interface.
- C. Specific requirements for screening improvements are described in the following subsection and are subject to Planning Commission approval. The Planning Commission has the authority to modify these requirements when justified by the nature or intensity of the proposed development or the characteristics of the site. These requirements are in addition to specific screening requirements set forth elsewhere in this Ordinance.



Section 6.03 SCREENING ALTERNATIVES FOR USES

The Planning Commission may waive the following screening requirements for a portion of the site where the building setback does not provide adequate space to install a required greenbelt or the Planning Commission may vary the following planting requirements when an alternative method of screening is proposed that adequately mitigates any potential negative impacts. Property zoned V-1 Village District shall not be subject to the screening requirements of this Section.

A. SCHEDULE OF SCREENING REQUIREMENTS

USE PROVIDING SCREENING	PROTECTED ZONING DISTRICT OR USE ⁽¹⁾				
	Single-Family	Multiple/MHC	Office	Industrial	Marina
Single-Family & Two-Family	n/a	n/a	n/a	n/a	n/a
Multiple & Manufactured Home	Major	Minor	Minor	Minor	Minor
Commercial/Office	Major	Major	Minor	Minor	Minor
Marina	Major	Major	Major	Minor	Minor
Industrial	Major	Major	Minor	Minor	Minor

(1) In instances where a “protected use” is developed adjacent to and after the use which is intended to provide the screening, the “protected use” shall provide the required screening.

B. **Minor.** The purpose of screening in this situation is to soften the impact of one land use on another. An interrupted or open screen is required, which creates an impression of space separation without necessarily eliminating visual contact. Screening intended to satisfy these objectives shall conform to the following minimum standards:

1. Ten (10') foot wide greenbelt.
2. Six to eight (6'-8') foot high evergreens and/or 2.5" inch caliper deciduous trees planted at intervals, not exceeding thirty-five (35') feet on center.
3. Shrubs and ground cover or mulches so as to cover the ground at the time of planting. All such plantings shall meet the height and spacing requirements specified herein.

C. **Major.** The intent of the screening requirements where major impacts are anticipated is to block the view of obtrusive or undesirable visual elements, exclude all contact between such uses, and create a strong impression of spatial separation. Screening in these situations shall conform to the following minimum standards:

1. Six (6') foot high decorative masonry wall. The wall shall be placed on the property line with a ten (10') foot wide landscaped greenbelt provided between the wall and the building, parking lot or loading area. Such greenbelt shall be planted with 2.5" inch deciduous trees for each thirty (30') feet of wall length. The remainder of the greenbelt shall be planted with grass, ground cover, or other acceptable landscape materials as determined to be appropriate by the Planning Commission.
2. In lieu of the wall, the Planning Commission may allow the development of a six (6') foot high fence, with a fifteen (15') foot wide landscaped greenbelt, meeting the requirements of this Section, or a twenty-four (24') foot wide greenbelt with a three (3') foot high landscaped earthen berm planted with two (2) staggered rows of six to eight (6'-8') foot high evergreens planted at intervals not exceeding ten (10') feet on center. Shrubs, a minimum of thirty (30") inches in height, or other ground cover and mulches so as to cover the ground upon planting shall be required.

Section 6.04 OTHER SCREENING SPECIFICATIONS

- A. **Walls.** Whenever a wall is used in conjunction with, or in lieu of, the previously mentioned screening requirements, it shall be constructed according to the following minimum specifications:
1. Walls shall be constructed of reinforced protective face brick with bollards, or similar decorative building material acceptable to the Planning Commission. The color of facing or brick shall be compatible with brick used on the site and shall be durable, weather resistant and easy to maintain. Masonry units may be integrally colored at the factory, but shall not be stained on-site.
 2. Walls shall be placed on the lot line and shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and/or as may be approved by the Planning Commission for the purposes of public safety. Where walls are pierced, the openings shall be so spaced as to maintain the overall obscuring character required and shall not reduce the minimum height requirement.
 3. The foundation of any wall shall be constructed to meet the requirements of the applicable Harrison Township Building Codes and Engineering Ordinance. Masonry walls shall have a durable cap meeting the requirements of the Harrison Township Building Department.
 4. No such wall shall be painted, nor shall it be constructed of exposed concrete block, cinder block or wood products.
 5. Unless otherwise expressly directed by the provisions of this Ordinance, all protective walls or greenbelts shall be provided when required along and immediately adjoining the zoning district boundary line and/or property line, and shall be installed so as to lie wholly on the land of the applicant seeking site plan approval. In instances where drains, trees or other obstacles preclude such location, the Planning Commission shall determine the most appropriate alternative location.

6. All walls or greenbelts required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
7. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive an extension of no more than six (6) months subject to the requirements of this Ordinance. A performance guarantee, as specified by this Ordinance may also be required.
8. Maintenance of the wall, or any other substituted screening device, shall be the responsibility of the property owner on whose property such wall or screen is located.
9. The Planning Commission may vary the required height of the wall above the maximum height of six (6) feet in instances where the height of the wall would be less than six (6) on the side of the property being screened due to grade changes.

B. Berms.

1. Berms shall be designed to be consistent with architectural character of the building(s) to be located on the site and shall consist of landscaped earth mounds possessing a maximum slope ratio of four (4') feet horizontal to one (1') foot vertical, except where retaining walls are used. Side slopes shall be designed and planted with sod or hydro seeded to prevent erosion.
2. In those instances where a berm is included as part of a greenbelt, a detailed drawing and cross-section of the proposed berm shall be provided as part of the landscape plan.

- C. **Pressure Treated or Vinyl Fencing.** Whenever pressure-treated or vinyl fencing is permitted in conjunction with the screening requirements permitted by this Section, it shall conform to the fencing requirements of this article.

Section 6.05 SCREENING REQUIREMENTS IN THE V-1 VILLAGE DISTRICT

When a development within the Village abuts a property zoned for single-family use, screening shall be provided consistent with the following regulations. These methods of screening and locations for screening may be modified by the Planning Commission in instances where opportunities for tree preservation exist.

1. A six (6') foot high decorative brick wall shall be constructed on the property line. An eight (8') foot wide greenbelt between the parking lot and the wall may be required by the Commission. The Planning Commission may require a decorative fence or other sound deadening material in lieu of the wall.

2. One evergreen shall be planted in a linear fashion adjacent to the decorative wall for each twenty (20') feet of said wall.
3. One spreading shrub shall be planted at the base of the decorative wall for each five (5') feet of said wall.



Section 7.01 INTENT

The intent of the Environmental Provisions is to preserve the quality and character of the Township's environment by regulating man-made development and by preserving existing environmental amenities. The requirements of this Section are designed to achieve the following objectives:

1. Uphold the Township's right and duty to protect its natural resources and amenities, as established within the State Constitution and the enabling legislature.
2. To enhance the visual quality of the Township, while preserving and/or enhancing each individual property's economic value.
3. To protect adjacent property owners, persons passing by, and the Township from activities and/or negative impacts created by development.
 - a. Reduce or eliminate glare into and from adjacent sites and activities.
 - b. Reduce or eliminate debris, dust and other pollutants from the air.
 - c. Control noise and provide acoustical modification into and from adjacent sites.
 - d. Control the direction and velocity of surface water runoff and minimize soil erosion.
 - e. Minimize visibility of undesirable elements contained within the site.
4. Recognizing the above-cited benefits of the natural environment, it is important to integrate these features into development to improve the community's environmental qualities and to enhance the visual character of the built environment.

Section 7.02 LANDSCAPE

A. General Landscape Requirements.

1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
2. All landscaping shall consist either of natural materials or living plant materials unless approved by the Planning Commission. All landscaped areas shall be protected from the encroachment of vehicles by curbing or other suitable device approved by the Planning Commission. The installation of sprinklers shall be required to ensure the maintenance of all landscaped areas.

3. Existing significant trees, tree stands, natural vegetation and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible and shall meet the standards of this Section.
4. Undeveloped portions and subsequent phases of the site shall be seeded, mowed and maintained.
5. The Planning Commission may approve constructed features of other materials such as masonry walls or brick, stone and cobblestone pavement as a supplement or substitute, upon a showing by the applicant that general plantings will not prosper at the intended location.
6. Landscaping shall be planted, landscape elements shall be installed, and earth moving or grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures, with the quality of plant materials and grading as hereinafter described. Copy of current acceptable standards is available from the Township Building Department.
7. The owner of property required to be landscaped by this Section shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.
8. Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in Macomb County, and shall conform to standards of the American Association of Nurserymen and the Charter Township of Harrison, and shall have passed any inspections required under State Regulations. Standards shall be in written form and made available by the Building Department.
9. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season, with at least three (3) plants per square foot.
10. Grass areas shall be planted in species normally grown as permanent lawns in Macomb County. Grass may be plugged, sprigged, hydroseeded, seeded or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod and seed shall be clean and free of weeds and noxious pests or diseases.

B. Design Objectives.

The following design objectives and criteria shall be considered in the evaluation of landscape plans:

1. Ample variety and quantity of ornamental plants, trees and shrubs should be provided. A few dominant types are usually chosen with subordinate types interspersed for accent. Repeating some types creates unity, but no types should be overused. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.

2. Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety, moderating the microclimate and minimizing nuisances.
3. Landscaping should serve to integrate the project with the site, with a particular sensitivity to the natural topography, drainage and existing native vegetation. It should enhance the architecture of surrounding structures, when possible, by being of similar scale.
4. Preservation of the existing landscape material and landforms is mandatory, particularly where mature trees are a part of the site to the standards of this Ordinance.
5. Landscaping should be used to break up large expanses of pavement and provide visual variety.
6. Local soil, water, and other climatic conditions should be considered when choosing landscape materials to create optimum conditions for their survival and to ensure that they will thrive with a minimum amount of maintenance.
7. Landscaping should be protected from vehicular and pedestrian encroachment. Raised planting surfaces and the use of curbs are ways of achieving this objective.
8. Species that are a public nuisance or that cause litter should be avoided. When landscaping is to be installed in areas that children will frequent, trees and bushes with sharp needles shall be prohibited.
9. The aesthetic and functional aspects of the proposed landscaping, both at installation and at maturity, shall be a paramount consideration in review and approval by the Planning Commission.

C. Plants and Materials.

1. All plant materials used shall be placed in fertile soil with good surface drainage and shall be given reasonable maintenance necessary to ensure their healthy existence and survival. All natural materials shall be maintained, refurbished or replaced, as necessary, to ensure a positive aesthetic quality.
2. Portions of the site not used for parking, driveways and buildings shall be provided with landscaping and lawn or acceptable ground cover, approved by the Planning Commission, and so maintained in attractive condition.



D. Prohibited Materials.

Where a landscape plan is required, the following plant materials are specifically prohibited:

Plant Material		Plant Material	
1.	Bittersweet	20.	Horse Chestnut
2.	Black Walnut.	21.	Japanese or Common Barberry
3.	Boxelder.	22.	Japanese or Tatrian Honeysuckle
4.	Catalpa.	23.	Leafy Spurge
5.	Chinese or Siberian Elm	24.	Maiden Grass
6.	Chokecherry.	25.	Mulberry
7.	Common Buckthorn	26.	Norway Maple
8.	Common Periwinkle	27.	Oxeye Daisy
9.	Common Privet	28.	Porcelain Berry
10.	Cottonwood.	29.	Purple Loosestrife
11.	Creeping Bellflower	30.	Ribes (Gooseberry)
12.	Creeping Charlie	31.	Siberan Pearshrub
13.	Crown Vetch	32.	Soapwort
14.	Dame's Rocket	33.	Soft maple (silver)
15.	European Mountain Ash	34.	Tree of Heaven
16.	Flowering Rush	35.	Willow
17.	Goutweed	36.	Winter Creeper, European or Winged Euonymus
18.	Green and White Ash	37.	Yellow Flag
19.	Hawkweed	38.	All thorned trees and shrubs



E. Plant Material Species and Size Requirements.

- All proposed landscaped plantings shall meet the minimum size requirements specified in the Plant Material Size table listed below:

	Minimum Allowable Size						
	Height				Caliper		
	6'-8'	3'-4'	2'-3'	18"-2'	2"	2.5"	18"-2' Spread
Evergreens:							
Pine							
Spruce							
Fir							
Hemlock							
Narrow Evergreen Trees:							
Red Cedar							
Arborvitae							
Street Trees:							
Ginko Biloba (male only)							
Sweet, Sour or Black Gum							
Pin Oak							
Hackberry							
Large Deciduous Trees:							
American Beech							
Red or Sugar Maple							
Linden (Basswood)							
Red, White or Burr Oak							
Tulip Tree							
Kentucky Coffee Tree							
Hackberry							
Shagbark Hickory							
Tamarack							
Small Deciduous Trees:							
Redbud							
Flowering Dogwood							
Witch Hazel							
Red Mulberry							
American Hazelnut							



	Minimum Allowable Size						
	Height				Caliper		
	6'-8'	3'-4'	2'-3'	18"-2'	2"	2.5"	18"-2' Spread
Large Evergreen Shrubs:							
Hicks or Upright Yew							
Spreading Yew							
Pfitzer or Savin Juniper							
Mugho Pine							
Small Evergreen Shrubs:							
Brown's, Ward's Sebion Yews							
Dwarf Spreading Juniper							
Dwarf Mugho Pine							
Euonymous Varieties							
Large Deciduous Shrubs:							
Honeysuckle							
Lilac							
Sumac							
Buckthorn							
Pyracantha							
Weigela							
Flowering Quince							
Barberry							
Cotoneaster							
Sargent Crabapple							
Dogwood (Red Osier & Grey)							
Euonymous Varieties							
Viburnum Varieties							
Boxwood							
Small Deciduous Shrubs:							
Dwarf Winged							
Regal Privet							
Fragrant Sumac							
Lavender							
Cotoneaster (Rockspray)							

Section 7.03 PARKING LOT AND FRONTAGE LANDSCAPING

The intent of these requirements is to enhance the aesthetic appeal of the Township; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare.

A. **Parking Lot Greenbelt Requirement.**

All parking areas in non-residential zoning districts shall be setback a minimum of ten (10) feet from the right-of-way or road easement of all abutting roadways. The ten (10) foot setback area shall be landscaped in a manner consistent with the intent of this Article.

B. **Interior Parking Lot Landscaping.**

1. All unpaved areas between a commercial or office building and a facing street shall be landscaped and maintained to include grass and/or placement of shrubbery.
2. All off-street parking areas shall incorporate and provide curbed tree planting spaces to be laid out square and constructed to provide not less than one hundred and twenty-six (126) square feet of land area for each tree planting.
 - a. Curbed, landscaped islands shall be placed at the ends of all parking space groupings to separate the parking spaces from the maneuvering lanes and to provide for safe traffic flow. These planting areas shall not be less than seven (7') feet in width.
3. Trees shall be planted throughout the parking area. Trees shall be a minimum of two and one-half (2.5") inch caliper at the time of planting and shall be provided at a ratio of one (1) tree for each ten (10) parking spaces, or fraction thereof. These trees shall not be counted towards street frontage tree requirements. Trees identified as large or small deciduous trees in the "Plant Material Species" section of this Ordinance shall be utilized to satisfy the requirements of this section.

C. **Frontage Landscaping.**

1. Large Deciduous street trees shall be provided within every zoning district. The trees shall be spaced evenly in a linear fashion along all road rights-of-way.
2. One (1) tree shall be planted for each thirty-five (35') feet of road frontage and shall be planted five (5') feet outside of the road right-of-way.
3. The Planning Commission may approve plantings within the road right-of-way in instances where setbacks or other similar circumstances prevent the applicant from planting said trees outside of the public right-of-way.

4. The trees shall be a minimum of two and one-half (2.5") inch caliper at the time of planting. These trees may not be counted towards parking lot tree requirements.
5. In the case of single-family residential development one (1) street tree shall be required per lot or for every thirty (35') feet of road frontage, whichever is greater.

Section 7.04 PRESERVATION OF WOODED AND SHRUBBED AREAS

- A. No more than sixty (60) percent of the total number of trees may be cleared or destroyed on any one site. The remaining forty (40) percent of the treed area should be maintained as permanent open space or otherwise incorporated into the development. The developer shall prepare a tree inventory, which indicates the size and species of all trees five (5") inches in caliper or greater, measured at a height of five (5') feet from the established grade. From the tree inventory, a tree preservation plan shall be developed which indicates the following:
1. Which trees will remain and which will be removed.
 2. Specifications on the method of protection for the trees which will remain during construction phases. The owner or person developing the site shall erect and maintain suitable barriers (snow fencing or cyclone fencing) during the entire development process.
 3. Grade changes or other work adjacent to remaining trees which would affect it adversely, with specifications on how the grade, drainage, and aeration will be maintained around the tree.
 4. If over sixty (60%) percent of the trees will be removed, the plan must state how many trees in excess of sixty (60%) percent are to be removed. This number, multiplied by two (2), shall be the total number of trees which shall be provided/replaced on the site plan. Trees which are required by this Ordinance for the purposes of screening, parking lot landscaping or other required landscaping shall not be counted as replacement trees.
 5. Replacement trees shall be a minimum of three (3") inches in caliper for deciduous trees, or eight (8') feet in height for evergreen trees.

Section 7.05 NATURAL RESOURCE PROTECTION

- A. **Natural Resource Greenbelt.** The Township recognizes the fragility and benefits of certain natural features within the Township such as wetlands, marshes, bogs, streams, inland lakes, ponds, and drains. These features help regulate storm water drainage, water quality, help control erosion and sediment disposition, as well as provide for wildlife and plant habitat. In an effort to help preserve these environmental features and the benefits in which they provide, the Township shall require natural resource buffers or greenbelts around natural features located on site. These buffers will help ensure that no damage, impairment, or other intrusion occurs to the natural habitat and that contaminants or pollutants from daily operations do not degrade or destroy these sensitive areas.
1. A twenty five (25') foot undisturbed greenbelt shall be preserved around the boundary of any state regulated wetland and all other flagged wetlands which are intended to remain on site, and from the ordinary high water mark of any inland lake or pond, streams, creeks or drains (improved or unimproved). These areas shall be conspicuously noted on the site plan and before any land clearing activities are commenced, the developer shall erect and maintain a suitable barrier between such environmental feature greenbelt and lands which are intended to be cleared. In residential development, the required greenbelt shall not be part of a lot.
 - a. There shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing within a required natural resource greenbelt. unless approval from the MDEQ has been granted.
 - b. These requirements may be modified by the regulating State or County agency.

Section 7.06 PERFORMANCE STANDARDS

It is the intent of this subsection to regulate all uses except research and manufacturing and require that each permitted use shall be a good neighbor to adjoining properties by control of noise, odor, glare, vibration, smoke, dust, liquid wastes, radiation, radioactivity, etc. The performance standards set forth in the following subsection shall be complied with, and any use which fails to comply with the standards shall be in violation of this Ordinance and be subject to penalties as accorded by law. The sum of the effects of concurrent operations on two or more lots measured at any property line shall not be greater or more offensive to the senses than the standards contained herein. Compliance with the provisions of this subsection by single or mutual changes in operational levels, scheduling of operations and other adjustments is permitted. In case of conflict among these standards and Federal and State regulations, the most restrictive standard or regulation shall apply.

1. **Noise.** Noise shall not exceed sixty-five (65) decibels [db(A)] equivalent daytime and sixty (60) decibels [db(A)] equivalent nighttime, as measured at any site line. In no case shall the maximum noise level exceed 60 db(A).

2. **Odors.** Odors from any use shall not be discernible at the property line to a greater degree than odors from plants for the manufacture of electronic equipment. The values given in Table III (Odor Thresholds) in the latest revision of Chapter 5, "Physiological Effects," in the "Air Pollution Abatement Manual," by the Manufacturing Chemists' Association, Inc., Washington, D.C., copyright 1951, shall be used as standard in case of doubt concerning the character of odors emitted. In such case, the smallest value given in Table III shall be the maximum odor permitted.
3. **Glare.** Glare, whether direct or reflected, such as from floodlights or high temperature processes, and as differentiated from general illumination, shall not be visible at any property line.
4. **Vibration.** Vibration shall not be discernible at any property line to the human sense of feeling.
5. **Smoke.** Emission of smoke on the site shall be controlled so that a nuisance will not result. Emission of smoke shall not exceed the number 1 standard as established by the Ringlemann Chart.
6. **Gases.** Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive.
7. **Electrical Radiation.** Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation.
8. **Utilities Underground.** All lines for telephone, electric, television and other similar services distributed by wire or cable shall be placed underground entirely throughout the development area, except for major thoroughfare right-of-way, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Overhead lines may be permitted by not less than six (6) affirmative votes of the Township Planning Commission at the time of final approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare or area design. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately owned property shall be protected by easements granted to the appropriate authority by the applicant.
9. **Air-Borne Matter General.** There shall not be discharged from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment or nuisance to the public, or which endanger the comfort, repose, health or safety of persons, or which cause injury or damage to business or property.

10. **Storage of Hazardous Substances.**

a. **Applicability.** These provisions apply to all business, manufacturing and marina facilities which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).

b. **Above-Ground Storage.**

- (1) Primary containment of hazardous substances shall be product-tight.
- (2) Secondary containment of hazardous substances shall be provided for all facilities, subject to site plan review. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- (3) Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.
- (4) At a minimum, State and Federal agency requirements for storage, leak detection, record-keeping, spill prevention, emergency response, transport and disposal shall be met.

c. **Below-Ground Storage.**

- (1) At a minimum, State and Township regulations for the installation, inspection, maintenance of a leak detection system, inventory and record-keeping, emergency response and closure shall be met.
- (2) All underground storage tanks which have been out-of-service for nine (9) months or longer shall be removed from the site before a building permit is issued. This requirement may be adjusted by the Fire Chief in situations where a clear timetable for the safe use of the underground tank is established.

11. **Plan Review and Approval.**

Site plans for facilities with hazardous substances shall be reviewed by the Fire Chief or his/her designee prior to the approval by the Planning Commission.





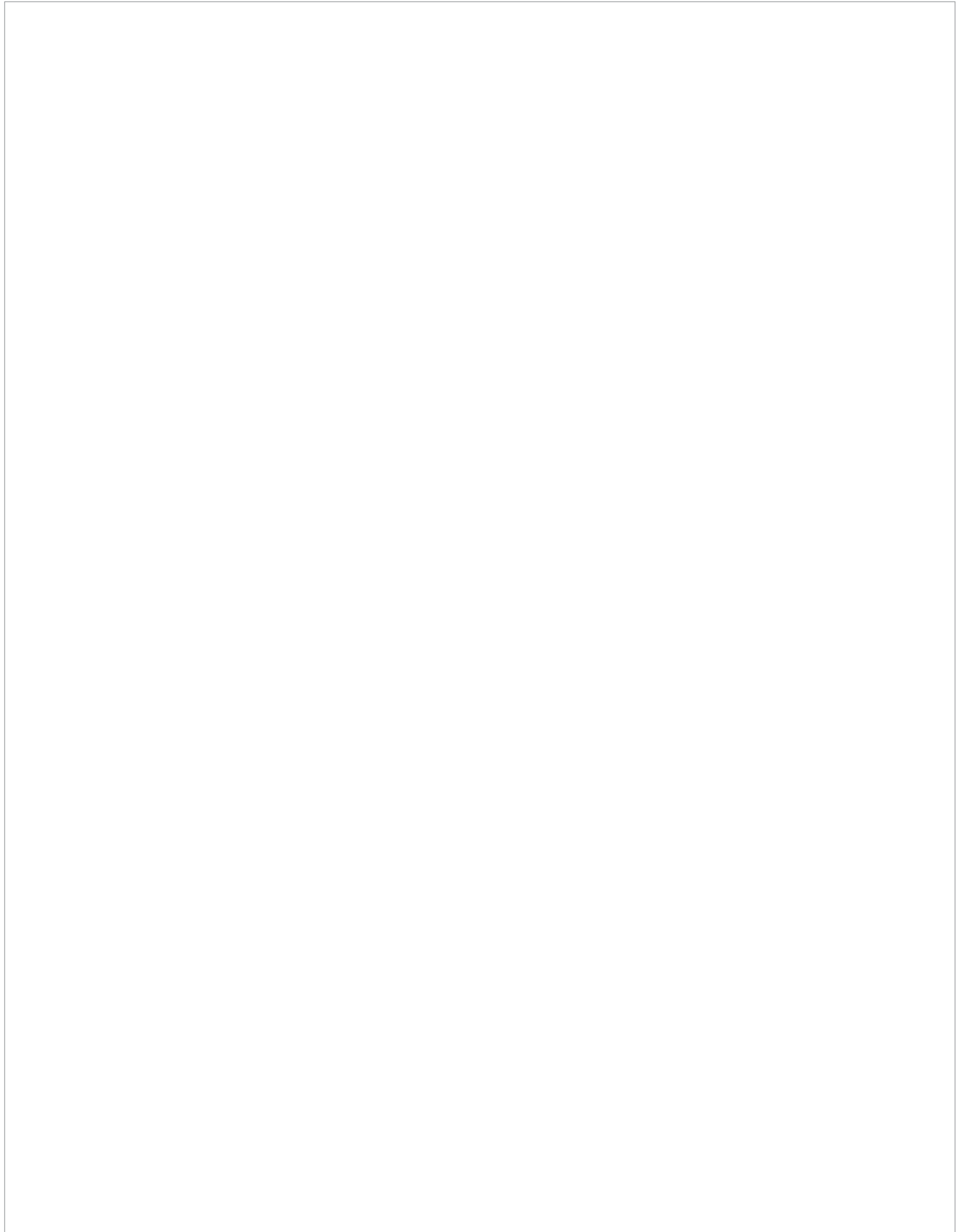
Section 8.01 PHOTOMETRICS

- A. Lighting in all use districts shall conform to the following requirements as to type, location, intensity and method of shielding.
1. All outdoor lighting shall be shielded downward or below horizontal with cut-off luminaires (maximum of 85 degrees from vertical) to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences, as well as public rights-of-way.
 2. The height of any lighting fixture, including the base, measured from the established grade shall not exceed twenty-five (25) feet, or the height of the building, whichever is less.
 3. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view. Open neon is prohibited, except that the commission may permit open neon lighting when it is determined that such lighting is solely for architectural enhancement purposes, serves no advertising purposes and is in character with the surrounding area.
 4. A ground level illumination plan (in footcandles) which demonstrates compliance with the standards of this ordinance may be required for each site or development, as determined necessary by the Planning Commission.
 5. Light poles shall be located within parking islands or at the boundary of the parking lot area, whenever feasible and practical. In both instances, the light pole must be set back from the curb a minimum of 2 1/2 feet to ensure proper vehicular overhang clearance.
 6. In no instance shall lighting installed under an exterior canopy (e.g. drive-thru or gas station) exceed a maximum of sixteen (16) footcandles. The intensity of all other outdoor lighting in all use districts shall be limited to the following minimum and maximum average amounts:

Schedule of Illumination
(In footcandles measured at the surface)

Use	Average Illumination Level* (Foot Candles)	Uniformity Ratio
Residential, Church, School and Child Care Facility	0.8	4:1
Non-residential	4.0	4:1

* No light measured (at eye level) at the side or rear property line shall be greater than one-tenth (0.1) footcandle, nor greater than one-half (0.5) footcandle or the intensity of the available street lighting at the front property line, whichever is greater.



Section 9.01 INTENT

The off-street parking and loading requirements of this Ordinance are established to prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways; to remove the hazard to pedestrians of emerging between parked vehicles onto a public street; to facilitate proper storm-water runoff; to prevent the generation of dust into the area; and to make clear the availability and arrangement of spaces to all users.

Section 9.02 GENERAL PARKING REQUIREMENTS

It shall be the duty of both the owner and occupant of any premises to provide off-street parking spaces as required in this Article. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. Whenever a use or an activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking spaces shall be provided on site and maintained as required by this Ordinance.
- B. The amount of required off-street parking for new uses of buildings, additions to existing buildings, new uses of land and accessory buildings shall be determined in accordance with the regulations in effect at the time the new use or addition was proposed, and the space so required shall be shown on the site plan and shall be irrevocably reserved for such use. No such designated parking area shall be changed to any other use unless and until equal facilities are properly approved and provided elsewhere on the site.
- C. Off-street parking existing at the effective date of this Ordinance in conjunction with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- D. Nothing in this Section shall be construed to prevent the collective provisions of off street parking facilities for two or more buildings or uses on separate sites, provided that, collectively, such parking shall not be less than the sum of requirements for the various uses computed separately. The provision for shared parking shall not be construed to allow for development without parking located reasonably proximate to the development it is intended to serve. Parking shall be reasonably distributed to fulfill the parking needs of each use being served and be irrevocably dedicated to each use.
- E. Where the owners of two (2) buildings desire to utilize common off-street parking facilities, the Planning Commission may permit such dual function provided that the following conditions have been met:
 - 1. The peak business hours of the two (2) buildings or uses in no way overlap. In the event that there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided below shall be installed.

2. The common parking lot meets the off-street parking requirements of the larger building or more intensive use, whichever is greater, plus fifteen (15%) percent.
 3. The common parking lot meets all of the locational requirements of this Ordinance with respect to each building or use.
- F. Off-street parking facilities required herein shall be located within three hundred (300') feet of the permitted use it is intended to serve, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served, provided that the said off-street parking facility shall not be separated from the building to be served by any major or secondary thoroughfare so designated by the Charter Township of Harrison Master Plan, or by physical barriers such as a river, an unenclosed stormdrain, a canal, an unpierced wall or similar physical barrier or public improvement. All parking located off-site shall be reviewed and approved by the Planning Commission.
1. Valet-only parking may be provided at any location within 1,000 feet of the site, subject to Planning Commission approval and the following conditions:
 - (a) The proposed parking area is not located in an area that maintains poor corner clearance visibility or any other type of roadway design that would result in a danger to workers utilizing the lot or motorists passing by;
 - (b) The parking area is open to employees only. Patrons utilizing the primary site are not permitted access to the proposed parking area;
 - (c) There are reasonable pedestrian connections between the proposed parking area and the primary site to ensure that workers walking between properties will not be required to walk within the roadway;
- G. Required off-street parking may not be enclosed with a gate that would permit it to be closed to either employees or patrons or public safety vehicles.
- H. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one (1) parking space.
- I. For the purpose of determining off-street parking requirements for all uses, floor area shall mean one hundred (100%) percent of the gross floor area, as measured from the interior of all exterior walls. For those buildings which feature unique interior natural features, such as atriums and landscaped areas, the floor area occupied by such areas may be deducted from the gross floor area used to calculate parking requirements.
- J. On the same premises with every building, structure or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window, washing bay or similar arrangement, there shall be provided a minimum of six (6) off-street waiting spaces for each service window or service bay.

1. The lane arrangement/number of lanes that provide access to such service window(s) and/or bays shall be subject to Planning Commission approval based on the layout of the parking lot/maneuvering lanes, the proposed use of the service window/bays and any concerns set forth by the Fire Department.
 2. Waiting space requirements for eating establishments shall be counted beginning at the menu board. All spaces between the menu board and the service window shall not count towards the waiting space requirement.
 3. A waiting space shall be twenty-one (21) feet long by ten (10) feet wide.
- K. Whenever drive-through or vehicle stacking lanes are provided, such lanes shall be so located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle.
- L. The amount of required off-street parking space for new uses of buildings, additions thereto and additions to existing buildings as specified above shall be determined in accordance with this Ordinance; and the space so required shall be shown on the site plan and shall be irrevocably reserved for such use.

Section 9.03 MINIMUM NUMBER OF OFF-STREET PARKING SPACES

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord to the most similar use, as determined by the Planning Commission.

- A. Residential
1. The off-street parking area required for single-family dwellings shall be located on the same lot or plot of ground of the building they are intended to serve and shall consist of a paved parking strip, parking apron or carport, excluding any garage provided on site, on the basis of two (2) parking spaces for each dwelling unit. Parking shall be prohibited in the front yard when not on an approved driveway and shall be restricted to paved areas.
 2. Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one-bedroom dwelling unit. For each additional bedroom per unit, one-half ($\frac{1}{2}$) of an additional parking space shall be provided. Multiple-family dwelling units in the V-1, Village District shall require one and one-half (1.5) paved off-street parking spaces per each dwelling unit.

In addition to the above parking requirements, a multiple family development with greater than ten (10) units shall provide one additional space per unit in a designated visitor parking area. Visitor parking areas shall be distributed evenly throughout the development.

3. Housing for the Elderly. Two (2) spaces for each three (3) dwelling units, and one (1) for each employee. Should the dwelling units revert to general occupancy, then two (2) spaces per unit shall be provided. The location of this reserved parking area shall be shown on the site plan at the time of the original approval.
4. Manufactured Homes. Two (2) spaces per unit, plus one (1) space for every three (3) manufactured home sites for visitor parking. Visitor parking shall be located within three hundred (300') feet of the manufactured home sites they are intended to serve.
5. Community Buildings (Multiple-Family and Manufactured Housing Community). One (1) space for each four (4) persons allowed within the maximum occupancy load, as determined by the Fire Department.
6. In Multiple-Family Residential Districts and Manufactured Housing Communities where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area. In the Manufactured Housing Community District, no motorized recreation vehicles or boats shall be parked on individual home sites. All group off-street parking lots shall be adequately lighted during hours of darkness with no more than one-half ($\frac{1}{2}$) foot candle of illumination.

B. Institutional

1. Auditoriums (incidental places of worship, schools and hospitals): One (1) space for each three (3) seats; plus one (1) for each two (2) employees. If no seats, one for each fifty (50) square feet of floor area.
2. Churches, temples, and other places of worship: One space for each three (3) seats or six (6') feet of pew in the main worship area; plus spaces for any residential uses, as determined in accordance with the parking requirements established for residential uses. Additional spaces for accessory facilities, such as social halls, schools, etc., may be required by the Planning Commission.
3. Convalescent homes: One (1) space for each two (2) beds; plus one (1) for each employee.
4. Elementary and junior high schools: Ten (10) spaces, plus one (1) for each employee. Additional spaces for accessory facilities and uses may be required by the Planning Commission.
5. Hospitals: One (1) space per bed; plus one (1) space per employee. Additional spaces shall be required for accessory uses based on their individual requirements. Parking for emergency facilities shall be provided on the basis of one space per one hundred (100) square feet of floor area of the emergency room, patient treatment areas and waiting areas.
6. Libraries/Museums: One (1) space for every five hundred (500) square feet of gross floor space.

7. Municipal offices: One (1) space for each two hundred (200) square feet of gross floor area.
8. Child care, nursery school, and daycare facilities: One (1) space for each employee plus one (1) space for each four (4) students on the premises at any time. Adequate, but not fewer than five (5), stacking spaces shall be provided for pick-up and drop-off.
9. Private clubs and lodges: One (1) space for each three (3) members allowed within the maximum occupancy load, as determined by the fire department, plus one (1) per employee.
10. Senior high schools and colleges: One (1) space for each employee plus one (1) for each three (3) students; plus the requirements of the auditorium. Additional spaces for accessory facilities and uses may be required by the Planning Commission.

C. Recreation

1. Bowling alleys: Three (3) spaces per lane. Additional spaces for accessory facilities and uses may be required by the Planning Commission.
2. Dance halls, arcades, rinks, indoor archery/shooting galleries, pool halls, and exhibition centers: One (1) space per three (3) persons allowed at maximum occupancy load, as determined by the fire department
3. Miniature golf, driving ranges, and executive golf courses: One (1) space for each miniature golf or executive golf hole; one (1) space per each driving range tee; plus one (1) space per employee. Additional spaces for accessory facilities and uses may be required by the Planning Commission.
4. Private parks: One (1) space for each two (2) individual members.
5. Public golf courses: Six (6) spaces for each golf hole; plus one (1) per employee. Additional spaces for accessory facilities and uses may be required by the Planning Commission.
6. Public recreation: One (1) space for every two (2) users at maximum capacity; plus one (1) space for each employee.
7. Stadiums, sports arenas, and similar places of assembly: One (1) space for each three (3) seats or sixty (60") inches of benches.
8. Racquet/tennis and exercise clubs: One (1) space for each two (2) persons allowed within the maximum occupancy, as determined by the fire department. Additional spaces for accessory facilities and uses may be required by the Planning Commission.

D. Offices

1. Banks: One space for each two hundred (200) square feet of floor area.
2. Medical office or clinic (including veterinary uses): One (1) space for each one hundred fifty (150) square feet of floor area.
3. Professional or business office: One (1) space for each two hundred fifty (250) square feet of floor area.

E. Commercial

1. Banquet halls: One (1) space for each two (2) persons allowed within the maximum occupancy as determined by the fire department.
2. Beauty salon or barber shop: Three (3) spaces for the first two (2) chairs, plus one and one-half (1 1/2) spaces for each additional chair; or one (1) space for each seventy (75) feet of floor area, whichever is less.
3. Dry cleaners: One (1) space per each two (2) employees, with a minimum of five (5) spaces.
4. Funeral Homes: One (1) space for each fifty (50) square feet of assembly, parlor, and reception areas,
5. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar uses: One (1) space for each eight hundred (800) square feet of usable floor area, and one (1) additional space for each two (2) employees working in processing areas.
6. Laundromat: One (1) space for each two (2) machines.
7. Hotel, motel, or other commercial lodging: One (1) space for each occupancy unit, plus one (1) space for each employee. Additional spaces for accessory facilities and uses may be required by the Planning Commission.
8. Open air businesses: One (1) space for each one thousand (1000) square feet of lot area used for retail sales, services and uses.
9. Retail: One (1) space for each two hundred and fifty (250) square feet.
10. Restaurants/Lounges (excluding fast-food or carry-out establishments): One (1) space for each one hundred (100) square feet of floor area, or one (1) space for each two (2) persons allowed within maximum occupancy, as determined by the fire marshal, whichever is greater. Each boat dockage reserved exclusively for patrons may be substituted for one (1) automobile space, however, in no case shall boat dockage exceed fifty (50%) percent of the total parking required.

11. Restaurants -- Fast-food, carry-out, and drive-ins: One (1) space for each two (2) employees, plus one (1) space for each two (2) seats intended for patrons within the restaurant building and one (1) space for each twenty (20) square feet of building floor area available in the order-waiting area.

F. Industrial

1. Manufacturing, wholesale, or warehousing: One (1) space per two thousand (2,000) square feet of gross floor area.
2. Self storage: Two (2) spaces for the residential caretaker's unit, plus one (1) space per fifty (50) square feet of floor area used for office purposes.

G. Marinas, Boat Clubs, Boat Liveries and Boat Launching Facilities

1. Boat Wells, Boat Slips, Boat Docking: One space for each boat berthed, stored and/or each boat available for rent during the wet storage season (May through September). In boat launching areas, adequate space shall also be provided for all boat trailers. There shall be provided two spaces for each boat well owned by private individuals. In addition, each marina shall provide, and maintain at all times, a clear and unobstructed fire lane between the adjacent public road and the water;
2. Land Stored / Shored Boats: One space shall be provided for each ten (10) boats during the dry season (October through April). During the dry season, land stored boats may utilize required wet season required parking areas (excepting the amount of spaces and maneuvering aisles necessary to meet the dry season required parking) provided such areas and storage methods meet all safety and other ordinance requirements.
3. Rack Storage, In-and-Out Stack Storage: Three-quarters ($\frac{3}{4}$) space for each boat stored.
4. Boat Sales: Where boat sales are involved, the commercial standards for open air businesses shall also apply.
5. Other Commercial Uses: Other commercial use of the site shall provide parking spaces based on the specified commercial standards. Parking of boats may be credited against required off street parking when dedicated exclusively for transient use.

6. Waterfront Marina Zoning: A portion of the parking lot in the WM District may be used for the storage of boats during the dry storage season, provided, however, that in no instance shall the number of parking spaces be less than three-quarters (3/4) space for each boat stored (in and out or stack storage) at the marina; Parking of boats may be credited against required off street parking when dedicated exclusively for transient use.

H. Automobile related uses

1. Self-service open car wash: Two (2) exterior waiting spaces at entry, plus one (1) exterior drying spaces for each bay.
2. Self-service enclosed car wash: Where all washing and drying operations are designed to take place within the building, four (4) waiting spaces shall be provided for each bay. A properly drained fifty (50') foot long drying lane shall also be provided at the exit of each wash.
3. High speed commercial car wash: One (1) space for each employee, plus twenty (20) exterior stacking spaces at entry. A properly drained fifty (50') foot long drying lane shall also be provided at the exit of each wash.
4. Service stations (gasoline, retail, and/or repair) and auto repair services: One (1) space at each pump,, three (3) spaces for each service bay; one (1) per employee; plus one (1) per each two hundred (200) square feet of retail floor area. Wrecked vehicles shall not be stored outside.
5. Quick oil changes: Two (2) spaces per bay; plus one (1) space per employee at the peak shift; one (1) space per two hundred (200) square feet of floor area used for retail sales.
6. Vehicle sales establishments: One (1) space for each three hundred (300) square feet of sales area; one (1) for each two hundred (200) square feet of office area; and three (3) for each service bay.

Section 9.04 PARKING STANDARDS IN THE V-1 VILLAGE DISTRICT

A. Village District Parking Standards.

1. Parking within the front yard shall not be permitted.
2. The Planning Commission may allow parking within a side yard if the applicant can demonstrate that unique physical characteristics of the property prevent the location of parking at the rear of the site.

3. One (1) three (3) foot high decorative brick wall shall be constructed between parking areas located in the side yard and abutting public right-of-ways.
4. Maneuvering lanes and access drives shall be a minimum of twenty (20') feet in width.
5. A connecting access drive and/or joint access agreement shall be provided to adjacent properties to provide for a contiguous parking system.
6. Non-residential uses located in the V-1 Village District may be permitted a 25% reduction in the required amount of parking, as determined in Section 9.03.

Section 9.05 PARKING SPACE LAYOUT STANDARDS AND CONSTRUCTION

A. Wherever the off-street parking requirements in Section 9.02 above require the construction of an off-street parking facility, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Department. Applications for a permit shall be submitted as per the requirements of Site Plan Review (Article III).
2. Plans for the layout of an off-street parking lot shall have dimensions consistent with the following standards:
 - a. Ninety-Degree Pattern: Parking spaces and maneuvering lanes shall be provided based on one of the following alternatives:

Space Width	Space Length	Maneuvering Width	Two Tiered Parking & Maneuvering Lane
10.0 feet	20 feet	20 feet	60 feet

- b. Sixty-Degree Pattern: Fifty-eight (58') feet for two (2) tiers of spaces, and one (1) aisle/maneuvering lane, with minimum aisle width being twenty (20') feet.
- c. Forty-Five Degree Pattern: Fifty-six (56') feet with two (2) tiers of parking spaces, plus one (1) aisle/maneuvering lane of at least twenty (20') feet in width.
- d. All other drives and maneuvering lanes not indicated above shall have a minimum width of twenty-four (24') feet.
- e. Parking spaces to accommodate vehicles with trailers, boats and recreational vehicles shall be at least ten (10') by forty (40') feet.
- f. All parking lot stalls shall be striped and maintained.
- g. Handicapped spaces shall be furnished as required by State law.
- h. Parallel parking shall not be permitted.

- B. All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly onto a street.
- C. The entire parking area, including parking spaces, maneuvering lanes and drives required under this Section, shall be paved with asphaltic or concrete surfacing in accordance with specifications of the Township Engineering Ordinance. The parking area shall be surfaced prior to the issuance of the certificate of occupancy for the building or buildings which it serves, or cash deposit acceptable to the Charter Township of Harrison in an amount equal to one hundred and twenty-five (125%) percent of the Township Engineer's approved estimate of cost of the improvement. Any improvements for which a cash deposit has been posted shall be installed by the end of the construction season following the posting.
- D. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the Township Engineering Ordinance.
- E. In any area where front-end parking abuts a curbed landscaped area at least five (5') feet in width or a raised sidewalk having a minimum width of at least seven (7') feet, the minimum parking stall depth of twenty (20') feet (as otherwise specified herein) may be decreased by up to two (2') feet in depth in order to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.
- F. Ingress and egress to a parking lot for non-residential purposes shall not be provided across land zoned for one-family or two-family residential purposes. All such entrances and exits shall also be located at least twenty-five (25') feet from any property zoned for one-family residential use.
- G. Parking lot lighting shall meet the requirements of Article VIII.
- H. The surface of the parking lot area, shall be maintained and kept free from weeds, rubbish, refuse and debris.
- I. All parking serving other than one or two-family dwellings shall be side-by-side. Tandem parking is prohibited; except where a multiple-family unit has its own separate two (2) car garage, their separate approach apron can be used for visitor parking. Tandem parking to a depth of three (3) cars may be permitted in vehicle storage and inventory areas provided such areas are under the control of employees and are not accessible by the general public. Any parking or vehicle circulation areas accessible to the public shall meet the size standards specified in this Section
- J. Except as otherwise provided in this Article, required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Off-street parking shall not be used for other than parking purposes or allowed to become unusable, except for temporary repairs. The storage of vehicles or merchandise in any off-street parking space is prohibited, except as permitted in conjunction with the principal or accessory use and sale of motor vehicles.

- K. Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall be thirty (30') feet in width.
- L. Curbs, meeting the construction standards of the Township Engineering Ordinance, are required. Bumper blocks are prohibited.
- M. A minimum setback of ten (10') feet shall be provided between the parking lot and the adjoining property line. The front yard setback between the road and the parking lot shall be landscaped.
- N. All parking lots shall be screened as per the requirements of Article 6.
- O. It shall be unlawful for any person to leave, park or store any motor vehicle or to permit any motor vehicle to be left, parked or stored in a parking lot as permitted in this subsection for a period of longer than eighteen (18) hours. It shall also be unlawful to park or permit to be parked any motor vehicle in such parking area between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock the following morning, unless the business maintaining such parking area remains open after midnight, in which case said lot shall be closed and all parked cars removed within thirty (30) minutes after said business has closed. The parking of vehicles accessory to the principal use of the site is exempt from this provision.
- P. The use of any outdoor loud, noise-producing device or public address system shall be prohibited.
- Q. Required yards may be used for off-street parking provided adequate access to the rear of the building for fire fighting and emergency equipment is available.

Section 9.06 PARKING STRUCTURE DEVELOPMENT STANDARDS

- A. It is intended that the provision of parking within structures or buildings shall serve to increase the value and convenience of related development and to enhance, rather than detract from, the appearance of the overall development. It is further intended that the provision of such facilities shall not negatively impact the safety and security of the public. All parking structures shall observe the layout, construction and maintenance requirements of Section 9.05.
- B. Parking structures shall be physically integrated into the overall design and functioning of the site. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.

Section 9.07 OFF-STREET LOADING AND UNLOADING

- A. The number, size and location of off-street loading and unloading area shall be provided whenever it is determined by the Planning Commission that the nature of the building or use is such that loading areas would be necessary.
1. Loading and unloading space, when required, shall be an area ten (10') feet by fifty (50') feet, with fifteen (15') foot height clearance, and shall meet the following requirements:
 - a. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
 - b. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
 - c. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses.
 - d. No part of any loading and unloading area shall be closer than thirty (30') feet to a residential zoning district.
 - e. All loading and unloading areas shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas.
 - f. Every use involving the receipt or shipment of materials or merchandise by trucks or trailers shall provide space for standing, so that loading and unloading services will not take place off the public streets, alleys and rights-of-way. Loading and unloading spaces shall be provided in such a manner that backing in from a public street shall not be facilitated.

Section 10.01 ACCESS MANAGEMENT STANDARDS

A. Non-Residential Driveways.

1. **General Standard.** Driveways shall be located so as to limit undue interference with the free movement of traffic, to provide the required sight distance, and to provide the most favorable driveway grade.
2. **Improvements Confined to Applicant's Property.** Driveways, including the radii, but not including right-turn lanes and tapers, shall be located entirely within the applicant's right-of-way frontage. The right-of-way frontage is determined by projecting the lot lines to the edge of the pavement of the road. The encroachment of curbs and driveway radii on adjacent property, as in the case of shared driveways, may be allowed upon written certification of adjoining property owners, the Township, and the applicable review agency (Road Commission of Macomb County or Michigan Department of Transportation) when it has been determined that such encroachment is necessary to preserve safe road conditions.
3. **Distance to Intersection.** No non-residential driveway approach shall be located closer than two hundred and fifty (250) feet from an intersection of a major road, either adjacent to the site or on the opposite side of the road. This setback shall also apply to entrance and exit ramps. This distance shall be measured from the proposed right-of-way line of the intersecting street. This requirement shall apply to roads and railroads. For sites with insufficient street frontage to meet this requirement, the Planning Commission may require the construction of the driveway along a side street, a shared driveway along the property line farthest from the intersection, or a service drive.
4. **Minimum Spacing Between Driveways.** The minimum spacing between two commercial driveways shall be based upon posted speed limits of the fronting road. The minimum spacings listed below shall be measured from centerline to centerline of each throat.

<u>Posted Speed Limit (MHP)</u>	<u>Minimum Driveway Spacing (In Feet)</u>
25	130
30	150
35	200
40	250
45	300
50 and Higher	350

In the event that a particular parcel or parcels lack sufficient arterial frontage to maintain the spacing requirements referenced above, the Planning Commission may allow for a reduction of the standards listed above. Any such reductions shall be based on a traffic impact study. The Planning Commission may require additional driveway spacing based on the recommendations of the Township Engineer and where it is determined that the additional spacing will promote improved access and continuity of developments recommended by the Harrison Township Master Plan. The adjacent land owners may also agree to establish a common driveway. In such case, the midpoint should be the property line between the two (2) parcels. A joint easement agreement must be entered into prior to an access permit being granted.

5. **Driveway Offsets.** To reduce left-turn conflicts, new driveways along non-boulevard roads shall be aligned with those across the roadway, where possible. If alignment is not possible, driveways should be offset a minimum of one hundred and fifty (150) feet from those on the opposite side roadway. Longer offsets may be required depending on the expected left-turn volumes of the driveway.

6. **Number of Driveways.** The number of commercial driveways serving a parcel shall be the minimum necessary to provide access for passenger cars and trucks, delivery vehicles and emergency vehicles, while preserving traffic operations and safety along the public roadway. Not more than one (1) driveway may be provided for each separately owned parcel with less than three hundred (300) feet of road frontage. This access may be an individual driveway, shared driveway or via a service drive. For the purposes of this Ordinance, a one-way-in/one-way-out drive shall be considered the same as one driveway. The Township may permit one (1) additional driveway for parcels with a continuous road frontage of at least three hundred (300) feet or for a corner lot which maintains frontage on two (2) roads.

Additional drives beyond what is permitted in the above text may be permitted only after special land use approval. In allowing for the second driveway, the Planning Commission shall determine that the additional driveway is justified without compromising traffic operations along the public street, based upon a traffic impact study as described herein.

7. **Driveway Design.** All commercial driveways shall be designed accordingly to the standards of the Road Commission of Macomb County or the Michigan Department of Transportation, as appropriate. For high traffic generators, or for commercial driveways along roadways experiencing or expected to experience congestion, the Planning Commission may require two (2) egress lanes.

8. **Boulevard Entrances.** Where a boulevard entrance is desired by the applicant or the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges of the island shall be designed to accommodate the largest vehicles that will normally use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the section outside of the public right-of-way. Such landscaping shall be tolerant of roadway conditions.
9. **Setbacks.** Driveway pavement shall be set back at least ten (10) feet from the adjoining property line to help control storm water runoff. Driveways designed to be shared may encroach into the required setback. A greater setback may be required by the Township Engineer if necessary for drainage purposes.

10.02 JOINT ACCESS EASEMENT

The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking lots to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.

Section 10.03 ACCESS ACROSS RESIDENTIAL PROPERTY

Entrance and exit of a parking lot, loading area, or non-residential use, shall not be permitted across or upon land zoned as residential unless the Planning Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

Access drives may be permitted within a required front yard or side yard so as to provide access to rear yards and/or accessory or attached structures. Any walk, driveway or other pavement servicing a like function may be permitted as an accessory structure in a required yard.

Section 10.04 CORNER CLEARANCE

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2') feet from the established grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines or driveway by a straight line drawn between said right-of-way lines / driveway at a distance along each line of twenty (20) feet from their point of intersection.

10.05 VACATED RIGHT-OF-WAY

Whenever any street, alley or other public way within the Township shall be vacated, it shall be classified in the same zone district as the property to which it is attached.



Section 11.01 APPROVAL OF PLATS

No proposed plat of a new or redesigned subdivision shall hereafter be approved by either the township board or the planning commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this ordinance, except as provided in the township's subdivision regulations. Such plat shall fully conform with the statutes of the State of Michigan, as amended, and the Subdivision Regulations of the Charter Township of Harrison.

Section 11.02 BUILDING GRADES

- A. The existing established grade shall be used to determine the grade around a new building when a new building is constructed. The yard around the new building shall be graded to meet existing grades and shall not permit run-off of surface water to flow onto adjacent property.
- B. If necessary, drain systems will be installed to provide water run-off solutions from new buildings or existing buildings onto existing areas at the new building owner's expense. The Building Official shall approve final grades.
- C. A registered engineer or land surveyor shall submit a signed and sealed "certificate of grading and location of building" before final grades are approved.

Section 11.03 BUILDINGS TO BE MOVED

Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this Township, shall not be moved to and placed upon any other premises in this Township until a permit for such removal shall have been secured under the administration and enforcement portion of this Ordinance. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

Section 11.04 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the township, it being the intention hereof to exempt such essential services which primarily serve the Charter Township of Harrison from the application of this ordinance.

Section 11.05 EXCAVATION OR HOLES

The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the building official, pursuant to a valid building permit which is being diligently pursued. In no case shall such excavation or hole be allowed to exist beyond 90 days. This section shall not apply to drains created or existing by authority of the state, county, township or other governmental agency.

Section 11.06 GARAGE SALES

- A. A person or group may conduct an individual or collective garage sale, rummage sale or similar activity within Harrison Township, provided the sale or similar activity shall not be conducted for a period of more than nine (9) consecutive days.
- B. No person shall be allowed more than two (2) such sales within any twelve (12) month period. In no instance shall more than two (2) garage sales or similar activity be held in any one location within any twelve (12) month period.
- C. All such sales or similar activity shall not be conducted within ten (10') feet from the street lot line of the premises.
- D. Overnight outside storage of goods or merchandise offered at said garage sale or similar activity is hereby prohibited.
- E. No signs advertising a garage sale or similar activity shall be placed upon public property except upon the consent of the land owner.
 - 1. In this case, two (2) signs advertising a garage sale or similar activity are permitted to be placed upon private property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.

Section 11.07 HEIGHT LIMITATIONS

- A. No building shall be erected, converted, enlarged, reconstructed or altered to exceed the height limit hereinafter established for the district in which the building is located, except penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
- B. Architectural features, such as fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits provided for each zoning district, provided that the feature:
 - 1. Does not exceed fifteen (15') feet above the height limits of the zoning district.
 - 2. Is no greater than ten (10%) percent of the roof area of the building.
 - 3. Is not used for any residential purpose other than a use incidental to the main use of the building.

Section 11.08 OUTDOOR STORAGE AND MERCHANDISING

A. Merchandising

1. Unless permitted as a temporary use, no person or business shall use the following areas for displaying for sale goods, nor leave any goods, boxes, vehicles or any other article for a longer period than transportation into or out of another vehicle or business/residence:
 - a. any sidewalk or that space between the sidewalk and curb or road, planted strips, park or sidewalk
 - b. any parking area, or any area of a road right-of-way
2. Open air business and uses with permitted outdoor space for display and sales:
 - a. Shall not be allowed until approved by the Planning Commission.
 - b. Such uses shall be paved and constructed to the same standards of construction as a parking lot, or provided with a suitable surface acceptable to the Planning Commission.

B. Outdoor Storage / Display Lots

1. When permitted in a particular zoning district, an outdoor storage use shall be enclosed by an approved masonry wall or obscuring fence, as approved by the Planning Commission.
 - a. Such wall or fence shall not be less than four feet six inches (4'6") in height and may, depending upon land usage, be required to be up to ~~ten (10)~~ feet in height, and shall be subject further to the requirements of Article VI.
 - b. A chain link fence or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the Planning Commission.
 - c. The Planning Commission may require vertical decorative or redwood pickets be installed in the fence where, in its judgment, it will better serve to obscure the open storage.
 - d. Open storage areas shall be hard-surfaced with suitable approved material and drained to meet Township engineering requirements.

Section 11.09 PROHIBITED OCCUPANCY

In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, excepting when located in and as part of a mobile home park or when located in zoning districts set forth in this ordinance. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth shall not be connected to sanitary facilities and shall not be occupied.

In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance and shall comply with the provisions thereof relative to dwellings in the residential district

Section 11.10 RESIDENTIAL OPEN SPACE DEVELOPMENTS.

- A. Residential Open Space Developments, as defined by the regulations of this Section, shall be considered a Permitted Use in the R1-A, R1-B and R1-C single-family zoning districts. In no circumstance shall multiple-family residential development (attached units) of any type be permitted in a Residential Open Space Development.
- B. Intent. The intent of this Section of the Zoning Ordinance is to provide a preferable alternative to conventional single-family development regulations. All residential open space developments shall promote the following objectives:
 - a. Maintain the township's remaining open space and rural setting.
 - b. Preserve the township's natural resources, including woodlands, wetlands, topography, floodplains and similar natural assets.
 - c. Preserve open space and productive agricultural land.
 - d. Achieve a balance between open space and growth and agriculture.
 - e. Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
 - f. Provide alternatives to conventional residential developments.
- C. Submission and Preservation Requirements.
 - 1. All natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of trees, wetlands, floodplains, topography, bodies of water (i.e. streams, rivers), land which serves as a natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as,

but not limited to, wetlands and floodplains must be identified through documentation from the appropriate Federal, State and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines and buildings of historic value. Residential open space developments shall preserve all of the above amenities to the extent feasible and desirable to the township.

2. A detailed map of the parcel identifying soil conditions as represented in the Soil Conservation Service's "Soil Survey Macomb County, Michigan" shall be provided.
3. All open space developments shall include an improved trail way system throughout the residential open space development and common open space areas.

D. Density.

1. The maximum number of units allowed shall be determined by the submission of a "Yield Plan". The Yield Plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified zoning district with regard to lot width, lot area, width-to-depth ratios, setbacks, frontage, and other applicable provisions of such district. The yield plan shall meet all applicable requirements of the State Land Division Act and all applicable township ordinances. The yield plan shall also meet all requirements of the Charter Township of Harrison Subdivision Control Ordinance and Zoning Ordinance, as applicable to the type of development. In no case, regardless of the yield plan, shall the density of an open space residential development exceed three (3) units per acre.
2. The planning commission shall award the applicant a development bonus with regard to the number of residential units permitted within an open space development. Such bonus shall be a five (5) percent increase in the number of residential units permitted in the development. Where a resultant fraction occurs with the five (5) percent calculation, an additional lot shall be granted.

E. Open Space Requirements.

Common Open Space shall be defined as follows: All areas within the open space development, not individually owned or part of a limited common area, which are designed and intended to preserve open land resources for the common use and enjoyment of the residents of the entire development for any of the following uses: recreation, forest land and/or open space conservation, prairies, and meadows. The common open space requirements shall not be met by land uses such as rights-of-way or easements designated for road or utility purposes, areas within lots, detention/retention ponds, golf courses or other commercial recreational uses, or land area dedicated as limited commons.

1. A minimum of fifty (50%) percent of the development shall be set aside for common open space, as defined below. The open space shall be irrevocably reserved for common open space as required in this Section.
2. The developer may, at his election, offer to deed such land to Harrison Township for public playgrounds, parks, recreation areas or open space subject to Township acceptance of such property. The failure of the Township to accept such property shall not relieve the developer from the requirements of the open space requirements. The Township shall not be exempt from providing an irrevocable agreement to maintain the property as park or open space in perpetuity.
3. A minimum of 50% of all dwelling units within the development shall abut the dedicated common open space.
4. Trail ways shall be located throughout the common open space and shall link the internal sidewalk/walking path system of the housing development with the open space areas. Such trail ways shall be a minimum of six (6') feet in width and constructed of asphalt in upland areas and pressure treated wood plank decking (or similar durable material) in wetland areas. All materials and associated installation shall meet all applicable Township Engineering Standards.
5. A minimum of one access point to the common open space, being a minimum of fifty (50) feet in width, shall be provided for each twelve (12) households. These access points shall link the common open space to the trail ways and sidewalks, and the remainder of the development.
6. All dwelling units shall have side, rear, or alley entry garages, or other configurations not opening directly to the street; except that the Planning Commission may approve dwelling units with garages that face the road if such garage is set back a minimum of five (5') feet from the front plane of the living quarters of the dwelling.
7. The development shall include a minimum of a 210-foot roadway setback-buffer measured from the road centerline along any regional, major, or secondary road with a right-of-way of 120-feet or less.
8. A minimum buffer width of thirty (30) feet shall be provided between any subdivision or condominium lot and streams, lakes, ponds or wetlands and similar man-made features such as detention/retention basins.
9. Non-agricultural upland open fields shall be planted with native prairie grass or similar types of ground cover. In addition, ten (10) deciduous trees shall be planted for each one (1) acre of open field. No more than fifty (50%) percent of such trees shall be conifer trees. Deciduous trees shall be a minimum size of 2 caliper, and conifer trees shall be a minimum of six (6') feet in height. Such trees shall be planted and maintained within the open field area and be native to Michigan.

F. Utilities. All utilities shall be placed underground when feasible. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve

the development. Evidence shall be submitted indicating that all such systems have received preliminary approval from appropriate County or State authorities. The Township shall have sole authority for final approval of any utility system. In the absence of a Township utility system, all utilities to serve the site shall be constructed and maintained by the applicant and any successors. A maintenance agreement, approved by the Township, shall be required.

- G. Roads. Roadways shall conform to the Charter Township of Harrison and Road Commission of Macomb County standards.
- H. Street Trees. The entrance and roadways shall be landscaped and planted with street trees, to create an attractive vista. Such trees shall be planted no more than thirty (30') foot on center and shall be located outside of the road right-of-way and utility easements. The trees shall meet the size and species requirements of this Ordinance.
- I. Pedestrian Circulation. Sufficient right-of-way width shall be provided so that sidewalks may be installed on both sides of all streets. A five (5) foot wide concrete sidewalk shall be located one (1) foot from the property line (within the street right-of-way). This requirement may be waived by the Planning Commission when an acceptable and more imaginative solution to pedestrian circulation is proposed by the applicant.
- J. Setbacks. The following building setbacks shall be required:
 - 1. All structures shall meet the setback requirements for the zoning district in which they are located. Side yard setbacks may be reduced to five (5) feet on each side. In no case shall a building or structure be located closer than ten (10) feet from another building or structure.
 - 2. Rear yard setbacks may be reduced to twenty (20) feet for lots with rear yards which abut common open space or alleys. All other lots shall meet the rear yard setback of the zoning district for the site.
 - 3. No lot, property line or building site shall be located within an exterior roadway setback-buffer.
- K. Fencing. The use of perimeter fencing around building sites is prohibited except as permitted herein. Rear yards and side yards may be enclosed with picket-type, wrought iron, or other similar decorative fencing. Such fences shall not exceed forty-eight (48) inches in height. In no case shall view obscuring fences, privacy fences, chain-link fences or other similar wire fences be permitted on a site. Fences are prohibited in the front yard or street-side (front) yard. Fence restrictions shall be included in the Master Deed or deed restrictions, as applicable.
- L. Dedication of Common Open Space and/or Development Rights. The dedicated common open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:
 - 1. A Conservation Easement as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).

2. Master deed as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.

The above conveyance shall indicate all proposed uses of the dedicated common open space, which shall also be shown on the approved open space community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as common open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurance for all common areas, facilities, projects and programs of the Open Space Community, and shall include methods of payments and collection. The homeowner or condominium association shall be responsible for maintenance of all common open space areas. At the time the property is turned over to the association it shall be clean and free of debris.

Open space deeded to the Township shall remain in use as open space/park land for perpetuity. The Township Attorney shall prepare an irrevocable conveyance to assure such.

- M. Unless otherwise provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply.

Section 11.11 SIDEWALKS AND PATHWAYS

- A. An eight (8') foot wide asphalt pathway shall be required across the frontage of all properties abutting regional and major roadways, as defined in the Township Master Plan. Pathways shall be constructed in the proposed right-of-way, one (1) foot from the outermost edge. Developments abutting any other roadway classification shall be required to install a five (5) foot wide concrete sidewalk.
- B. For any development, an on-site sidewalk shall be required as a means of connecting the principal building with the road frontage sidewalk. The Planning Commission shall determine if a proposed sidewalk system has provided an adequate connection between the site and the road frontage.

Section 11.12 STORAGE, DUMPING AND/OR COLLECTION OF WASTE, JUNK, REFUSE & OTHER SIMILAR MATERIALS

- A. No site shall be used for the storage, accumulation, dumping and/or collection of waste, junk, refuse and other similar materials, except upon approval by the planning commission in compliance with article 15 of this ordinance or as otherwise permitted under this ordinance in any district. The owner or occupant of all land, structures and/or every part thereof shall have the duty to maintain same in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage and vermin, and the duty not to act or omit to act so as to create or permit the existence of a nuisance as defined in this ordinance. This duty shall extend to any area of land between the site line and adjoining streets and curbs.

1. The depositing of dirt, sand or earth materials that substantially change the finished grade may be permitted in any district in accordance with the following requirements:
 - a. Any finish grade to be established shall be approved by the township engineer.
 - b. The finish grade shall be graded not later than 60 days after depositing on the land, in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.

Section 11.13 TEMPORARY DWELLINGS

Any and all basement dwellings, garage dwellings and/or other temporary residential dwellings which have been erected and occupied are hereby declared to be unlawful for residence purposes and shall be vacated or altered so as to immediately comply with the provisions of this ordinance; provided, however, the zoning board of appeals may extend such period for not more than one year upon written application therefor by the occupant and proof of undue hardship.

Section 11.14 TEMPORARY STRUCTURES, TENTS AND USES

- A. Temporary Structures and Tents. The Planning Commission may permit, upon proper application, temporary structures or tents subject to the following:
 1. All tents, canopies and similar temporary accessory structures which will be erected for more than twenty-one (21) days on an annual or seasonal basis shall require a special land use approval from the Planning Commission.
 2. A special land use approval by the Planning Commission shall be valid for a period of twelve (12) months. Prior to the expiration of the 12 month approval, to continue the use, the applicant must apply to the Planning Commission for a compliance review:
 - a. The Planning Commission may deny such renewal based on evidence that the structure or use is not properly maintained, has caused safety issues, or has become a nuisance either on or off the site with regard to circulation, light, noise and other nuisance issues.
 - b. The Planning Commission may approve a renewal if it is determined that the use has not created adverse impacts on the surrounding area or its residents. The term of the renewal shall be determined by the Planning Commission. Such renewal term may be granted for a period not to exceed five (5) years.
 - (1) Prior to the expiration of the first renewal term established by the Planning Commission, the applicant shall be required to obtain a new special land use approval to continue the use.
 - (2) Any substantial amendment, as deemed substantial by the Township, to an origi-

nal special land use approval shall require a new special land use approval. A change which impacts the use of the site by patrons or an expansion of the proposed use shall be considered a substantial change.

3. Exemptions. All seasonal temporary structures, including tents and canopies, and which are regulated by the township's seasonal sales and solicitors ordinance or special events ordinance are exempt from this section. Also exempt are tents and canopies erected on residential lots for a period not to exceed seven (7) days. These exempt structures are not required to appear before the Planning Commission for a temporary structure permit.
4. General Provisions. The Planning Commission, in granting permits for temporary structures, tents or uses, shall do so under the following conditions:
 - a. The proposed temporary structure or use shall conform to all regulations and township ordinances relative to structures permitted in the particular zoning district wherein the proposed temporary structure would be located.
 - b. The granting of a temporary structure permit shall be granted in writing, stipulating all conditions as to time for construction and removal and nature of the proposed structure.
 - c. No temporary structure permit shall be granted without the applicant having filed with the township building department a bond in an amount to be determined by the approving body, which amount shall be set forth in the written grant of the temporary structure permit, which amount shall be sufficient to secure removal of said structure upon the expiration of the permit.
 - d. Any temporary structure permit granted shall not be valid unless and until a building permit for the proposed structure is obtained by the applicant. Any erection or construction of the temporary building shall be started and proceed to completion in accordance with the terms of the building permit.
 - e. Any temporary structure must be located upon private property and not encroach upon lands not owned or leased by applicant.
 - f. If applicant is the lessee of the land upon which a temporary structure is desired, the applicant must provide a letter of understanding from the owner of the property providing the owner's concurrence for the temporary structure, and provide the owner's name address and phone number as well as a copy of the most recent rent or lease payment check signed by the applicant.
 - g. Any temporary structure utilizing electrical power of any nature must be inspected and approved by the fire chief prior to final occupancy of the temporary structure.
 - h. Applicant shall provide to the township a hold harmless agreement for the erection and maintenance of the temporary structure.
 - i. The erection, construction, completion, use and maintenances of any temporary structure shall, at all times, be in full compliance with all state statutes, public health regulations and township ordinances.
5. Emergency Permits. The township supervisor with the concurrence of two township

board members shall have the authority to issue an applicant an emergency temporary structure permit valid for a period of time not to exceed the number of days until the next available Planning Commission meeting in order for the applicant to appear before the Planning Commission for final temporary structure approval. Prior to the issuance of an emergency temporary structure permit, the supervisor shall require the building official, the fire chief, township planner and any other professional deemed necessary to inspect the property and application for approval in order to ensure that the proposed temporary structure conforms to all regulations and township ordinances relative to structures permitted in the particular zoning district wherein the proposed temporary structure(s) would be located.

6. Temporary Uses. The Planning Commission may also permit, upon proper application, temporary uses. Seasonal uses regulated by the township's seasonal use ordinance are exempt from this section. Such granting of a temporary use shall be regulated by the approval process under Section **13.42 #1b**. Any approvals shall be subject to the following conditions:
 - a. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
 - b. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the zoning district nor on the property wherein the temporary use is permitted.
 - c. The use shall be in harmony with the general character of the zoning district.
 - d. All setback, land coverage, lighting, off-street parking and other requirements are to be considered in order to protect the public health, safety, peace and general welfare of the inhabitants of the township. All such requirements shall be established and made at the discretion of the Planning Commission.
 - e. No temporary use permit shall be granted without first giving notice to owners of the adjacent property of the time and place of a public hearing to be held on the application for a temporary use permit. All notices shall be in writing and shall be made by personal service, mailing by certified or registered mail, return receipt requested, or by publication in a general newspaper at least fifteen (15) days prior to the hearing date.
7. The Planning Commission may revoke a permit or approval for any temporary structure, or temporary use for any violation of the terms of the permit or grant of such temporary structure or temporary use.

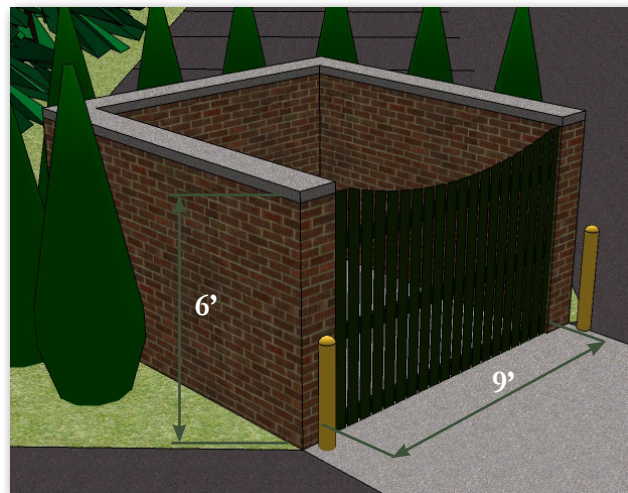
Section 11.15 TRASH RECEPTACLE STANDARDS

- A. Trash receptacles are required for all uses other than single and two family residential.
- B. Enclosure. All outdoor waste receptacles, including grease barrels, are required to be enclosed on three (3) sides and screened. The fourth side shall consist of a gate made of steel framing with wood facing. If the waste receptacle houses a dumpster, it shall have an enclosing lid or cover.
- C. Materials. The enclosing screening around the three (3) sides shall be constructed of brick or decorative color integrated block wall, consistent with the building materials of the main building. In addition, steel or concrete bollards shall be installed to assist in the positioning of dumpster and to protect the enclosure.
- D. Size. The waste receptacle base shall be at least nine (9') feet by six (6') feet in area, constructed on six (6)" inches of reinforced concrete pavement.
 - 1. The base of reinforced concrete pavement shall extend six (6') feet beyond the front of the waste receptacle pad or gate to support the front axle of a refuse vehicle.
 - 2. The enclosure wall shall have a minimum height of six (6') feet or one (1') foot above the height of the waste receptacle, whichever is greater.
 - 3. The enclosure shall have at least three (3') feet of space on each side of the waste receptacle.
- E. Placement, All trash receptacles shall be placed at a minimum of fifteen feet (15') away from the main building for fire safety purposes.
 - 1. Front yard. Waste receptacles and enclosures shall not be placed in the front yard.
 - 2. Rear and side yards. Waste receptacles and enclosures shall be located in the rear or side yard but not closer than three (3') feet from the rear or side lot line.
 - 3. Residential use adjacent. Waste receptacles and enclosures shall be placed a minimum of twenty (20') feet from an adjacent residential use.
- F. Access. Waste receptacles shall be easily accessed by refuse vehicles without the potential damage to automobiles parked in a close vicinity. They should be positioned in such a way to not interfere with the normal movement of vehicle traffic on the site.

Section 11.16 USES WITH LOCATIONAL RESTRICTIONS TO AVOID SECONDARY EFFECTS.

- A. **Purpose.**

In the development and execution of this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, Council has received information, including information associating blight and increased crime with sexually-oriented businesses, including studies in the City of Detroit, Michigan, in the early 1970s, the City of St. Paul, Minnesota in 1978, the City of Phoenix, Arizona in 1979, the City of Minneapolis, Minnesota in 1980, the City of Austin, Texas in the early 1980s, the City of Indianapolis, Indiana in 1987, Oklahoma City, 1986, 1992, the City of Los Angeles, California in 1984, Adams County, Colorado in 1988, the report of the Minnesota Attorney General issued in 1989, Times Square, New York 1974, Dallas, Texas 1994, 1997, and Newport News, Virginia 1996. In connection with the adoption of this Ordinance, Council has received further information that certain types of skid-row businesses have through studies in the City of Detroit been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.



B. Sexually-Oriented Business.

It has been demonstrated that the establishment of sexually-oriented businesses in business districts which are immediately adjacent to and which serve residential neighborhoods have a deleterious effect on both businesses and residential segments of the neighborhood, causing blight, down-grading property values, and in some instances crime increasing in the vicinity. The orderly planning, development and preservation of neighborhoods residential uses should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.

1. Sexually-oriented businesses defined herein shall only be permitted in the IND (Industrial Zoning District, subject to the following requirements and conditions:
 - a. Such uses shall be permitted only in the IND (Industrial) Zoning District provided no portion of the property upon which such business is situated is within eight hundred (800') feet of any of the following:

- (1) A residentially-zoned district;
- (2) Property upon which a residential use exists;
- (3) A church;
- (4) A school;
- (5) Pool or billiard hall;
- (6) Coin-operated amusement centers;
- (7) Roller skating rinks or ice rinks;
- (8) Night clubs or dance halls permitting the congregation of persons under 21; or
- (9) Any public park.

The method of measurement shall utilize the two property edges closest to each other, measured with a direct line.

- b. This distance prohibition may be waived by the Township Board after recommendation from the Harrison Township Planning Commission upon presentation of a valid petition requesting waiver that is signed by fifty-one (51%) percent, or more, of each of the following categories:

- (1) Persons owning property within three hundred (300') feet of the proposed location;
- (2) Persons residing with or occupying any dwelling unit within three hundred (300') feet of the proposed location;
- (3) Persons or entities operating any of the uses described in subsection a. (1)-(9) within three hundred (300') feet of the proposed location.

C. Pawnbroker.

It has been demonstrated that the establishment of pawnbrokers in business districts which are immediately adjacent to and serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood causing blight. Such prohibition fails to avoid the deleterious effects of blight and devaluation to both business and residential property values resulting from the establishment of these businesses in a business district which is immediately adjacent to and serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons which comprise the business and residential segments of each neighborhood.

1. Pawnbrokers, as defined herein shall only be permitted in the IND (Industrial) Zoning District, subject to the following requirements and conditions:
 - a. Such use shall be permitted only in the IND (Industrial) District provided no portion of the property upon which such business is situated is within eight hundred (800') feet of any of the following:

- (1) A residentially-zoned district;
- (2) Property upon which a residential use exists;
- (3) A church;
- (4) A school;
- (5) Pool or billiard hall;
- (6) Coin-operated amusement centers;
- (7) Roller skating rinks or ice rinks;
- (8) Night clubs or dance halls permitting the congregation of persons under 21; or
- (9) Any public park.

The method of measurement shall utilize the two property edges closest to each other, measured with a direct line.

- b. This distance prohibition may be waived by the Township Board after recommendation from the Harrison Township Planning Commission upon presentation of a valid petition requesting waiver that is signed by fifty-one (51%) percent, or more, of each of the following categories:

- (1) Persons owning property within three hundred (300') feet of the proposed location;
- (2) Persons residing with or occupying any dwelling unit within three hundred (300') feet of the proposed location; and
- (3) Persons or entities operating any of the uses described in subsection C.1.a. (1)-(9) within three hundred (300') feet of the proposed location.

- D. The provisions of this Section shall not apply to hospitals, nursing homes, medical clinics or the offices of a medical professional who is licensed to practice massage therapy in the State of Michigan, or who is permitted to practice under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergyman, certified member of the American Massage and Therapy Association or certified member of the International Myomassethics Federation.

Section 11.17 UTILITY APPROVAL

Except as provided elsewhere in this ordinance, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications (except transmitting or receiving towers), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall require Township Board approval pursuant to Article VII, Section 29, of the 1963 Michigan Constitution, after review and recommendation by the Planning Commission based on the special land use standards of this ordinance and other applicable ordinances of the Township.

Section 11.18 WIND ENERGY CONVERSION SYSTEMS (WECS)

A. Definitions.

1. Wind Energy Conversion Systems (hereinafter referred to as WECS): Any device that converts wind energy to mechanical or electrical energy.
2. Wind Rotor: The blades plus hub to which the blades are attached used to capture wind for purposes of energy conversion.
3. Tower Height: The height of the actual tower, plus one-half the rotor diameter on horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.
4. Survival Wind Speed: The maximum wind speed a WECS in automatic, unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.

B. Applicable Zones. WECS may be permitted in any zoning district subject to Special Land Use Approval Requirements with the following exception:

1. Building Mounted WECS. One (1) Wind Energy Conversion System (WECS) shall be considered a permitted use and shall only require a permit from the Building Department, when the following requirements have been met:
 - a. The WECS is mounted to the roof of a structure, and;
 - b. The WECS shall be a vertical axis wind turbine. Horizontal axis WECS with a propeller blade shall be specifically prohibited on top of a structure, and;
 - c. The vertical axis wind turbine shall not exceed a height of more than fifteen (15) feet above the maximum permitted height in the zoning district in which it is located.
 - d. A building mounted WECS shall be setback from the property line a distance equal to one (1) foot for every foot in height of the structure.
 - e. A roof mounted WECS shall be setback a minimum distance of thirty (30) feet from the front façade of the structure.

C. Applicability of Ordinance. The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site,

the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one wind energy conversion system and for systems wherein one wind energy conversion system is intended to provide the electric power for more than one main building.

D. Standards for and Regulation of WECS.

1. Construction: Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions to it.
2. Electric-Magnetic Interference (EMI): Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal Code of Regulations and subsequent revisions governing said emissions.
3. Setbacks: The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to one and one-half (1½) times the height of the tower, except that no tower shall be located within the front yard.
 - (a) The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5') feet of utility lines.
4. Maximum Height: The maximum height permitted as a special land use shall be one hundred and fifty (150') feet, unless otherwise prohibited by any state or federal statutes or regulations.
5. Minimum Blade Height: The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15') feet, as measured at the lowest point of the arc of the blades.
6. Labeling Requirements: A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - (a) The maximum power output of the system and the wind speed at which it is achieved.
 - (b) Nominal voltage and maximum current.

- (c) Manufacturer's name and address, serial number and model number.
- (d) Maximum survival wind speed and the emergency and normal shut down procedures.

- 7. Utility Company Notification: The Detroit Edison Company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
- 8. Safety: The WECS' manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.
- 9. Noise: The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at each property line at any time.

E. Submission Requirements.

- 1. For WECS that require Building Department review only, the following information shall be submitted with any application:
 - a. Name of property owner, address and parcel number.
 - b. A plot plan or mortgage survey showing the proposed location of the WECS.
 - c. Detailed specifications of the WECS proposed, including the type, model number, dimensions of tower and rotor, and noise generated from the unit.
 - d. Other relevant information as may be reasonably requested.
- 2. For all other WECS applications, site plan approval and special land use approval shall be required from the Planning Commission. In addition to providing the information outlined above, all applicable submission requirements of the Zoning Ordinance shall be included.

F. Miscellaneous.

- 1. The temporary use of an anemometer for three (3) months or less shall be exempt from the requirements of this Ordinance. Any proposed anemometer that occupies a site for greater than three (3) months shall not be considered exempt and shall be subject to all requirements of this Ordinance.
- 2. All electric line/utility wires shall be buried under ground except in Agriculture Zoning District.

3. No tower shall be permitted to maintain lighting of any kind.
4. Guy wires shall not be permitted as part of any proposed WECS.
5. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor twelve (12') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line. When a building is necessary for storage of cells or related mechanical equipment, the building may not exceed one hundred forty (140) square feet in area nor eight (8') feet in height, and must be located at least the number of feet equal to the height of the tower from any property line.
6. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
7. Shadow Flicker. The WECS shall be designed in such a manner as to minimize shadow flicker on a roadway and any existing structure. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
 - a. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
8. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6') foot fence. The supporting tower shall also be enclosed with a six- (6') foot fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
9. Decommissioning. An operator shall remove any and all parts associated with a WECS within six (6) months once the device has become inoperable. The applicant shall submit a plan describing the intended disposition of the WECS at the end of its useful life, and, if the property is not owned by the applicant, shall describe any agreement with the landowner regarding equipment removal upon termination of the lease.

Section 11.19 MEDICAL MARIJUANA USES

- A. Intent
1. Voters in the State of Michigan approved a referendum authorizing the use of marijuana for certain medical conditions, being the Michigan Medical Marihuana Act, MCL 333.26421, et seq. ("The Act").
 2. The specified intent of The Act is to enable certain specified persons who comply with the registration provisions of the law to acquire, possess, cultivate, grow and use marijuana as well as to assist specifically registered individuals identified in the statute without being subject to criminal prosecution under state law in limited, specific circumstances.
 3. Despite the specific provisions of The Act and the activities identified in The Act, marihuana remains a controlled substance (Schedule 1 drug) under Michigan law. The activities set forth The Act have a potential for abuse. Such activities should be closely monitored and, to the extent permissible, regulated by local authorities.
 4. If not closely monitored or regulated, the presence of marihuana, even for the purposes specified by The Act, may present an increase for illegal conduct and/or activity which adversely affects the health, safety and welfare of the residents of Harrison Township.
 5. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for non-medical purposes or allow any other activity relating to cultivation /growing, distribution or consumption of marijuana that is otherwise illegal.
- B. Medical Marijuana Dispensary, Compassion Centers or other similar operation for the consumption or distribution of medicinal marijuana. It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marijuana dispensary, compassion center or other similar operation, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marijuana dispensary, compassion center, growth facility, growth cooperative or other similar operation in Harrison Township.
- C. Registered Primary Caregiver. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, The Act and the requirements of this section, shall be permitted to grow marijuana in the IND Industrial Zone. Nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with The Act and the General Rules. Also, since Federal Law is not affected by The Act or General Rules, nothing in this section, or in any other regulatory provision, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal Law. The Act does not protect users, caregivers or the owners of properties on which the medical use of marijuana is occurring

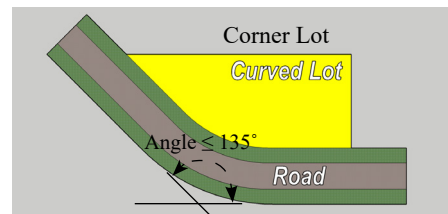
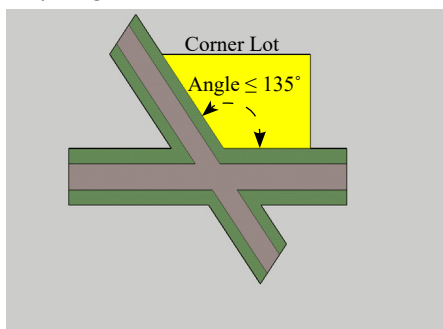
from Federal Prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

1. The medical use of marijuana shall comply at all times and in all circumstances with The Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
2. A registered primary caregiver must be located outside of a one-thousand (1,000) foot radius from any school, including child care or day care facilities operated by a school, to insure community compliance with Federal "Drug-Free School Zone" requirements;
3. All medical marijuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient;
4. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the production of marijuana are located;
5. That portion of the structure where energy usage and heat exceeds typical use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Harrison Township Fire Department to insure compliance with the Michigan Fire Protection Code.

Section 12.00 LOT

Lot: A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or private road.

Lot, corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two streets is less than one hundred thirty five (135°) degrees. Such lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than one hundred fifty ($150'$) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135°) degrees.



Lot coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings, structures, and other impervious surfaces.

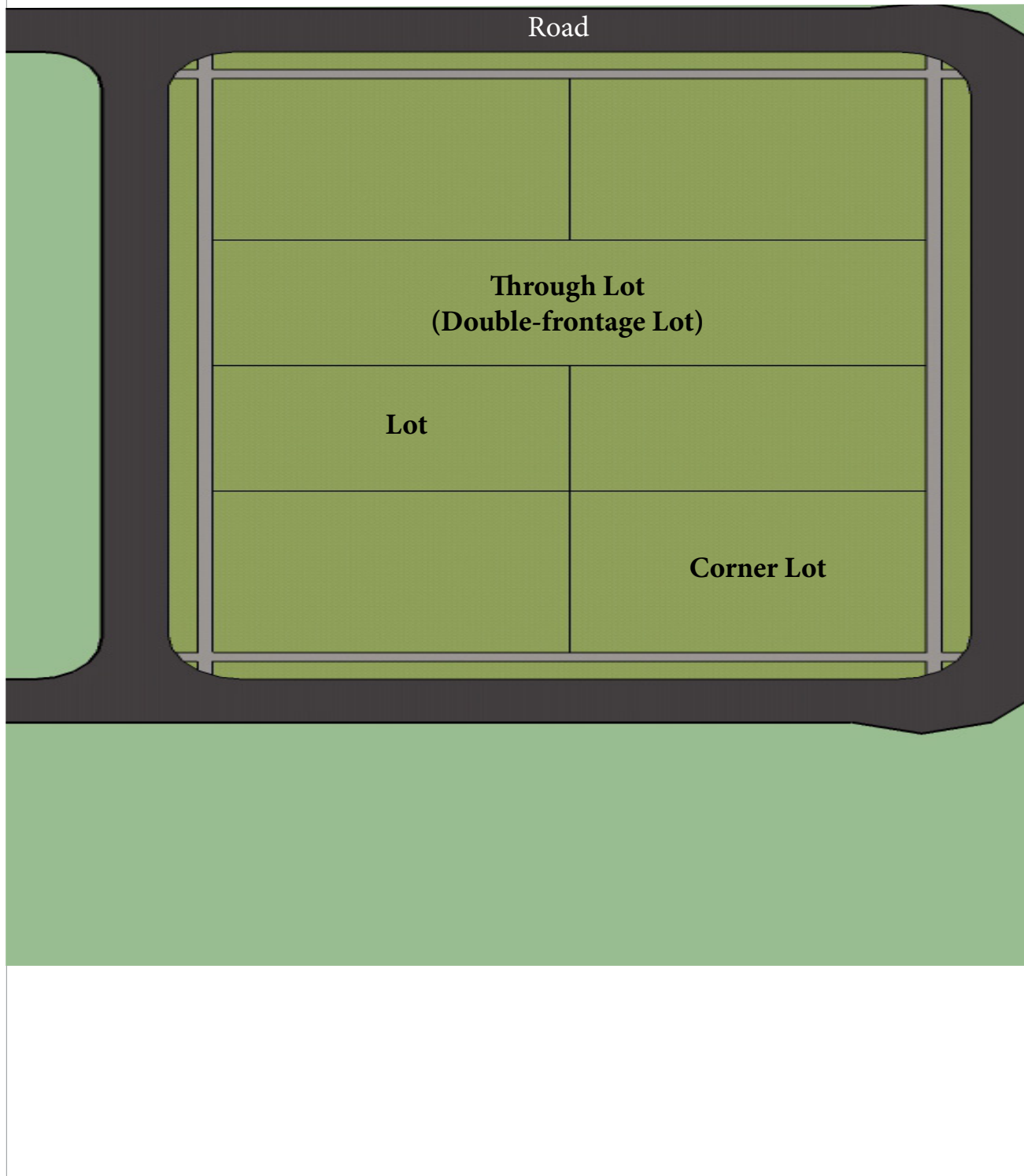
Lot lines: The lines bounding a lot as defined herein:

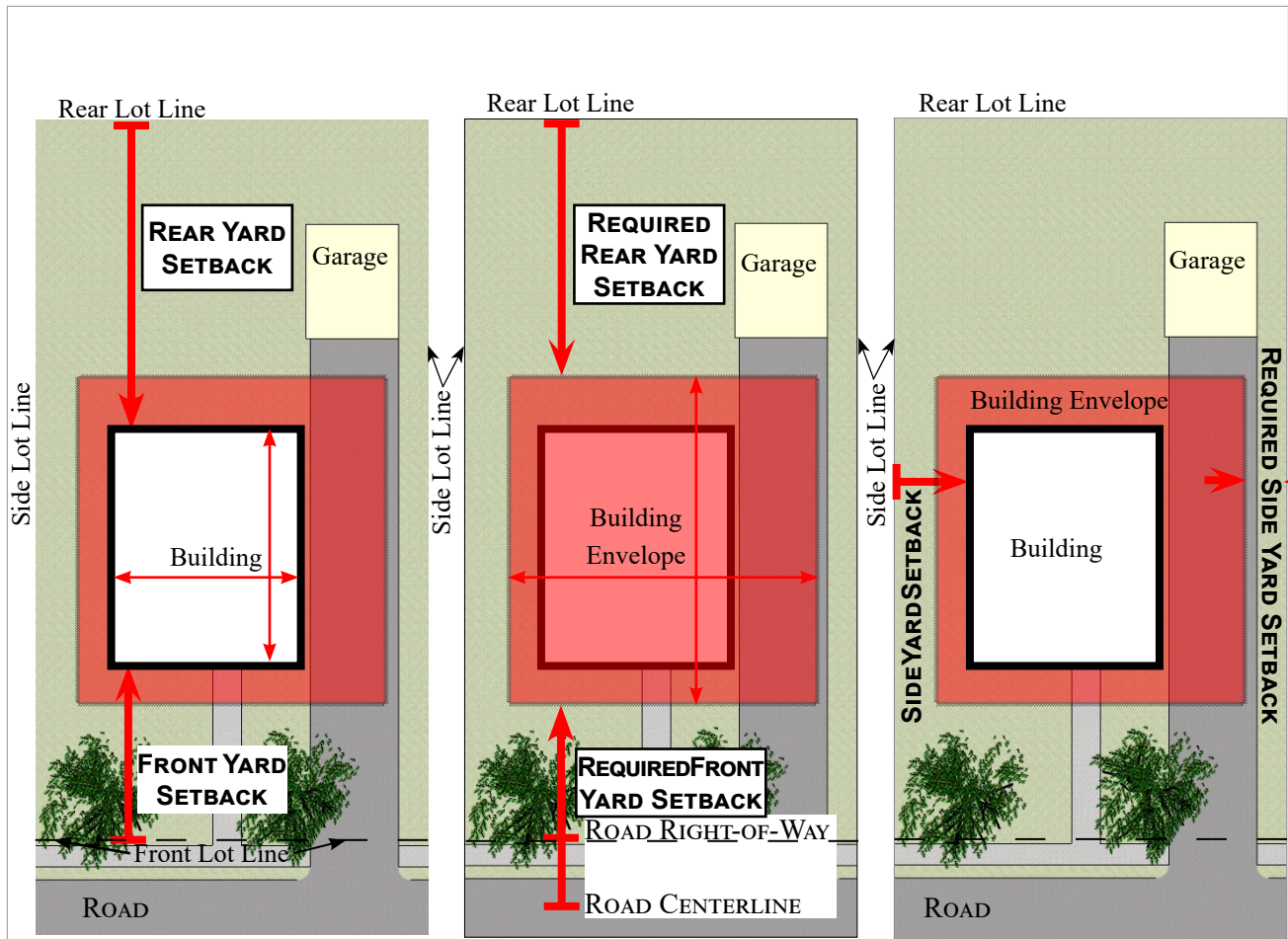
- Front lot line. In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is the line separating said lot from either street.
- Rear lot line. That lot line opposite the front lot line.
- Side lot line. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line.

Lot, through (Double-frontage Lot): A lot other than a corner lot with frontage on more than one street other than an alley.

Lot width: The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoint of the front and rear property lines.

Lot Type Diagram:





Section 12.01 SETBACK

Building Envelope (buildable area). The space remaining on a parcel of land after compliance with the minimum required setbacks and the minimum open space requirements of this ordinance.

Build-To Line. The line at which construction of a building façade is to occur on a lot. A build to line runs parallel to, and is measured from, the front lot line and is established to create an even building facade line on the street. This established building line shall be maintained for a minimum of seventy-five percent of the building frontage.

Setback. The minimum horizontal distance between the subject lot line, centerline of the right-of-way, or centerline of the private street and the building, excluding only steps.



Section 12.02 YARD

Yard. An open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. A “required yard” is that portion of any lot on which the erection of a main building is prohibited.

- A. Front yard is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line.
- B. Rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. Side yard is an open space extending from the side lot line to the building, the depth of which shall be the extent of the building.

Section 12.03 WATER

A. Residential Lots Abutting Water: Residential lots and/or parcels abutting water shall maintain a yard equal to the front yard setback on all areas of a lot abutting water. Such area shall be maintained as an open yard, and consistent with Sections **5.02 and 6.01**. This provision shall only apply to structures 48 inches in height or taller.

Section 12.04 FRONTAGE

Every dwelling or principal building shall be located on a parcel that has frontage, meeting the lot width requirement of this Ordinance, on an improved public or an existing private street, road or highway.

Section 12.05 LOCATION OF A STRUCTURE IN AN EASEMENT

- A. No structure, building or constructed improvement other than a fence, walk or parking lot, may be erected in a public easement.
- B. No grading or regrading shall be conducted on a parcel of land within an easement without approval of the regulating authority.

Section 12.06 YARD USE

The portion of a site on the street side of any dwelling shall be used only for landscaping, driveways and parking spaces located within such driveways, and other accessory structures as provided in this Ordinance.

Section 12.07 MEASURING SETBACK REQUIREMENTS

The measurement for determining front, rear and side setback requirements shall be made from the nearest point of the applicable site line to the nearest point of the exterior wall of the principal building or structure. In the case of water front lots, the setback shall be measured from the nearest point of the applicable ordinary high water mark or seawall (as applicable) to the nearest point of the exterior wall of the principal building or structure.

Section 12.08 MULTIPLE ROAD FRONTAGES

The placement of all buildings on corner lots and lots having frontage on two or more streets shall observe the required front yard setback from all abutting streets.

Section 12.09 PROJECTIONS INTO YARDS

Architectural features, such as, but not limited to, window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard not more than two inches for each one foot of width of such required side yard, and may extend or project into a required front or rear yard not more than three feet.

Section 13.01 Swimming Pools, Spas, and Hot Tubs

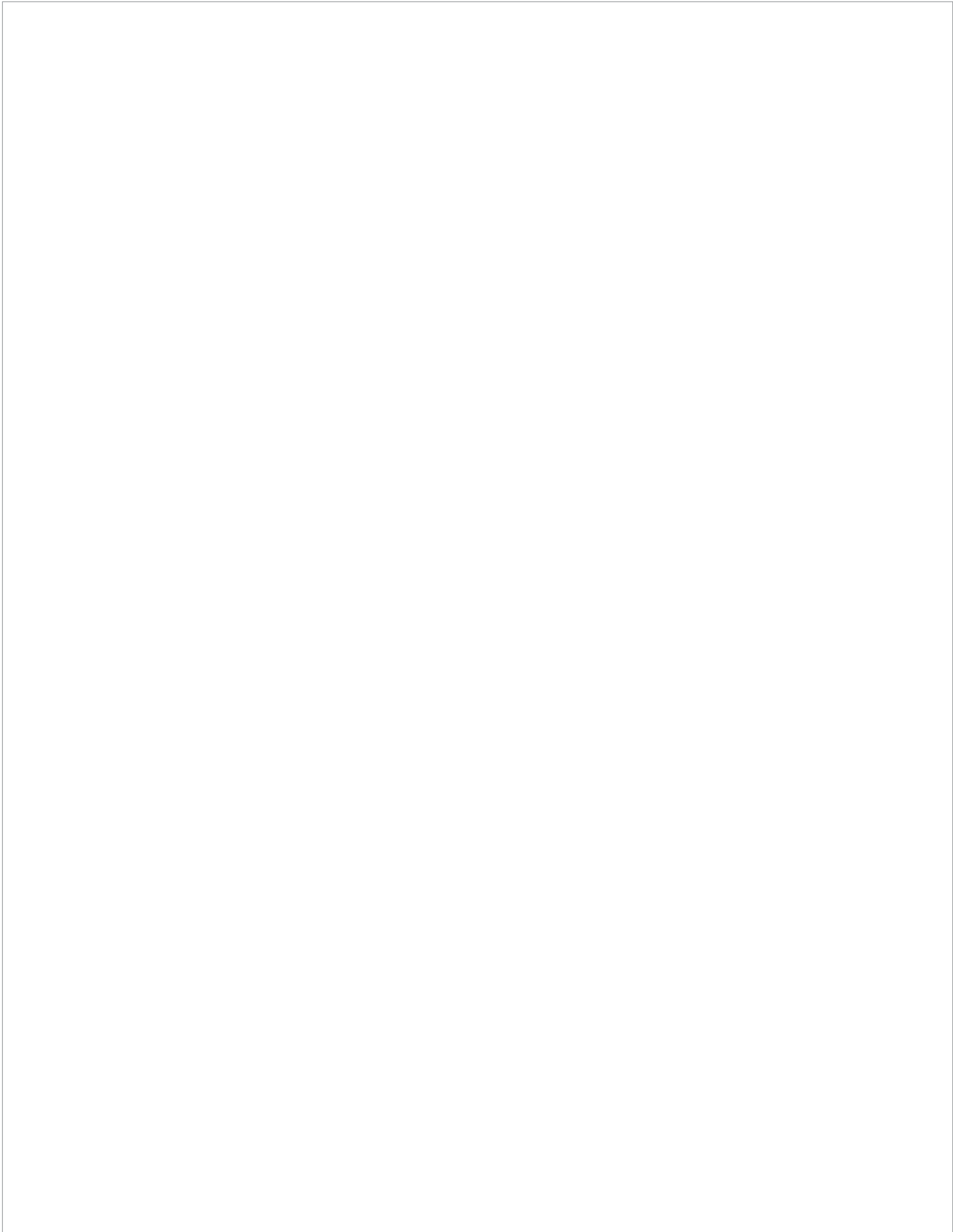
- A. Outdoor swimming pools, spas, and hot tubs with a depth exceeding twenty-four (24) inches permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts subject to the following:
 - 1. Swimming pools, spas and hot tubs shall be prohibited in any front yard and/or front yard setback, or within any easement or right-of-way.
 - 2. There shall be a minimum distance of not less than six (6) feet between adjoining lot lines or alley right-of-way and outside wall of the swimming pool, spa or hot tub.
 - 3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.

- B. A distance of at least five (5) feet horizontally must be maintained from a permanent pool to any sanitary sewer line or lead; and from any underground water, electrical, telephone, gas or other public utilities, except for parts of the swimming pool system.

- C. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to the provisions herein for new pools.

- D. Pools on Waterfront Lots:
 - 1. Above ground pools on a waterfront lot shall maintain the thirty (30) foot open yard setback form the ordinary high water mark or sea wall (not to include boat well cut-ins), if applicable.
 - 2. Fences surrounding any pool shall meet the applicable requirements of Section 6.01.

- E. In no case shall a pool, spa or hot tub be considered impervious surface.





Section 14.01 ZONING MAP

The Zoning Map of Harrison Township, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Regardless of the existence of purported copies of the Zoning Map which may from time-to-time be made or published, the Zoning Map, which shall be located in the Office of the Township Clerk, shall be the final authority as to the current status of zoning in Harrison Township.

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may, by resolution, adopt a new Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but in no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

Unless the prior Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 14.02 ZONING DISTRICTS

For the purpose of this Ordinance, Harrison Township is hereby divided into the following districts:

- R1 Single Family Residential
- R1-A Single-Family Residential
- R1-B Single-Family Residential
- R1-C Single-Family Residential
- R1-D Single-Family Residential
- MHC Manufactured Housing Community Residential
- RM-1 Multiple-Family Residential
- RM-2 Multiple-Family Residential
- HMR High and Mid-Rise Residential
- LC Local Commercial
- GC General Commercial
- V-1 Village District
- RW Residential Waterfront Mixed Use
- WF Waterfront District
- IND Industrial

Section 14.03 DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of streets, alleys, roads or such lines extended; railroad right-of-way lines; and the Harrison Township limits. Dimensions shown are to the center of the adjacent road or street.
- B. Where, due to the scale, lack of detail or illegibility of the Zoning Map for this Ordinance, there is any uncertainty or contradiction as to the location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on these matters, shall apply the following standards:
 - 1. The district boundaries, as set forth in this Section, shall first be considered with reference to Section 14.03.A. above.
 - 2. Where a district boundary divides a site, the location of any such boundary, unless the same is indicated by dimensions shown on the said map, shall be determined by the use of the map scale shown thereon.
 - 3. If, after the application of the foregoing standards, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the Zoning Board of Appeals shall determine and fix the location of said boundary line as all of the facts and circumstances shall reasonably require.

Section 14.04 DISTRICT REGULATIONS

- A. No structure or land shall be used, occupied, erected, constructed, move or altered, except in conformity with the regulations specified for that zoning district. Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district.
- B. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts. In each zoning district, a "Permitted Use" shall be a use of land or buildings subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found elsewhere in this Ordinance. A Special Land Use or Planned Unit Development shall be use(s) of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the Planning Commission shall apply the standards contained in Article 15 of this Ordinance and any special conditions imposed for that use.

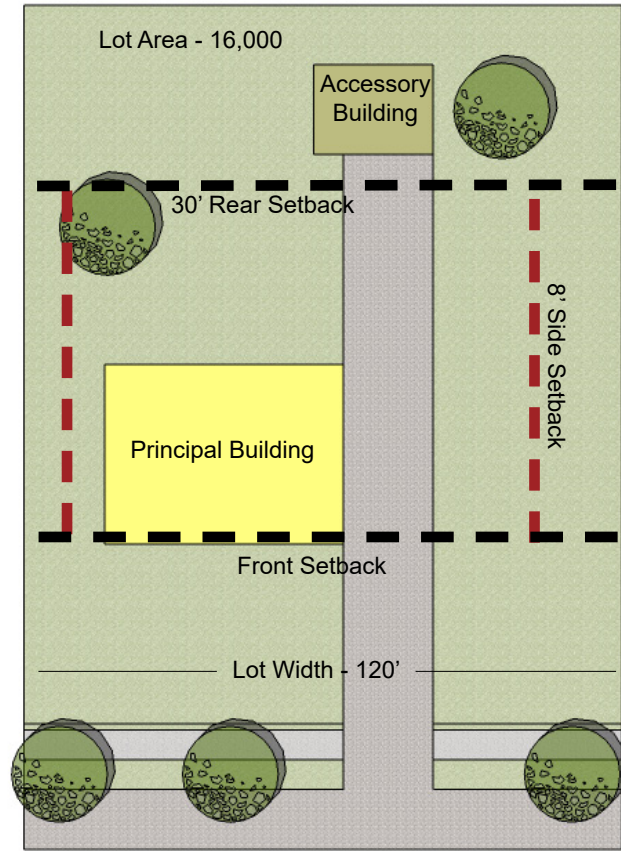


Section 14.05 ZONING OF VACATED AREAS

Whenever any street, alley or other public way within Harrison Township shall have been vacated by official government action, and when the lands within the boundaries thereof attach to and become a part of the land adjoining such street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach, and the same shall be used for that same use as is permitted under this Ordinance for such adjoining lands.

R1 Single Family Residential

Lot	
Lot Area	16,000 square feet
Lot Width	120' (130' for corner lot)
Lot Coverage	30%
Impervious Surface	40%
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback (least side/total of two)	6'/14'
Rear Setback	30'
Min. Living Area (sq.ft.)	1200/1200
1 1/2 Story	940/1340
Two Story	750/1500
Accessory Structure	
Location	Side or Rear Yard
Front Setback	Not Permitted in Front Yard
Side Setback	4'
Rear Setback	4'
Structures	
Number of Structures	
Primary	1
Accessory	2 Detached
Structure Heights	
Primary	3 Stories/30'
Accessory	16', but in no circumstance shall it exceed the height of the principal structure
Parking	
Spaces Required	2
Configuration	Shall be located in garage or on driveway



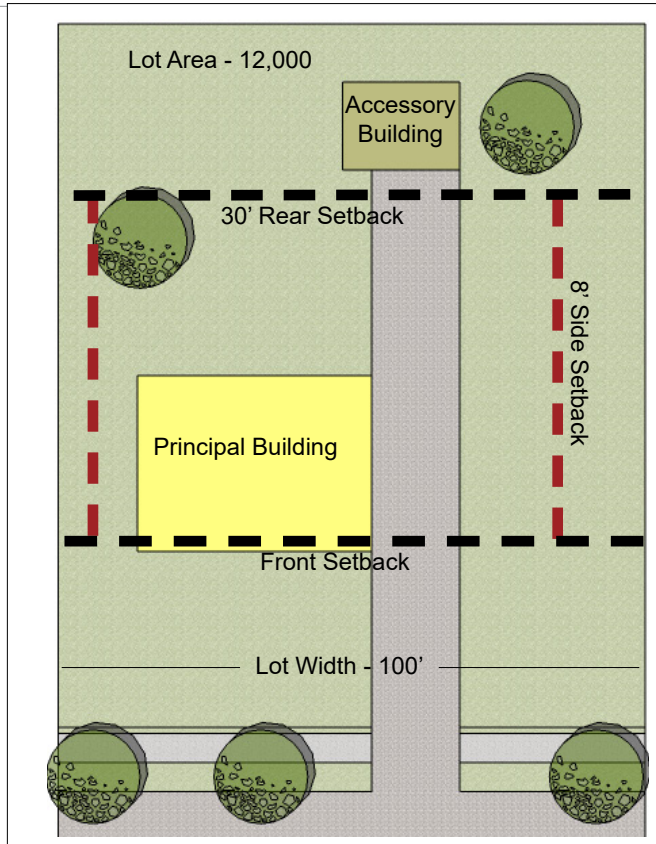
Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback
Regional (204' ROW)	137'
Major	90'
Collector	73'
Local	60'

R1-A Single Family Residential

Lot	
Lot Area	12,000 square feet
Lot Width	100' (110' for corner lot)
Lot Coverage	30%
Impervious Surface	40%
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback (least side/total of two)	6'/14'
Rear Setback	30'
Min. Living Area (sq.ft.)	1200/1200
1 1/2 Story	940/1340
Two Story	750/1500
Accessory Structure	
Location	Side or Rear Yard
Front Setback	Not Permitted in Front Yard
Side Setback	4'
Rear Setback	4'
Structures	
Number of Structures	
Primary	1
Accessory	2 Detached
Structure Heights	
Primary	2.5 Stories/30'
Accessory	16', but in no circumstance shall it exceed the height of the principal structure
Parking	
Spaces Required	2
Configuration	Shall be located in garage or on driveway



Front Yard Setback

***Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:**

Road Type	Front Yard Setback
Regional (204' ROW)	137'
Major	90'
Collector	73'
Local	60'

Section 14.07 R1-A Single Family Residential

A. Intent

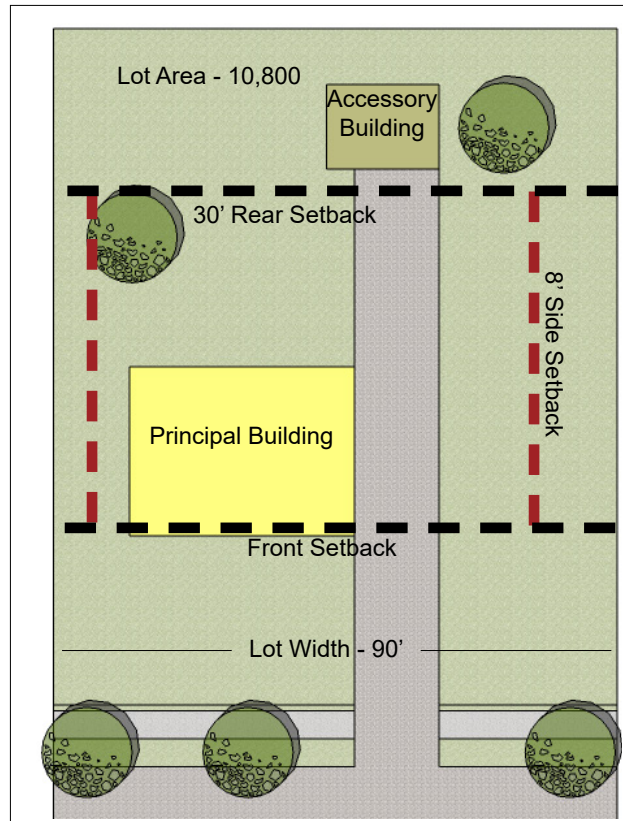
The single family districts are established to provide principally for single family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of single family dwellings and to prohibit the use of the land which would substantially interfere with the development of single family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.

B	Permitted Uses
1	Single Family Dwelling
2	Accessory Buildings and Structures
4	Family Day Care (1-6 Children)
5	Home Occupation - Type 1 (Section 15.26A.)
6	Parks
7	Public Schools
8	Township Facilities

C	Special Land Uses
	The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.
1	Cemeteries (Section 15.14)
2	Funeral Homes (Section 15.21)
3	Golf Course (Section 15.24)
4	Group Day Care (7-12 Adults or Children) (Section 15.25)
5	Home Occupations - Type II (Section 15.26B)
6	Places of Worship (Section 15.32)
7	Planned Unit Development (Section 15.33)
8	Private Clubs and Fraternal Organizations (Section 15.34)
9	Public Utility Buildings

R1-B Single Family Residential

Lot	
Lot Area	10,800 square feet
Lot Width	90' (100' for corner lot)
Lot Coverage	30%
Impervious Surface	40%
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback (least side/total of two)	6'/14'
Rear Setback	30'
Min. Living Area (sq.ft.)	1200/1200
1 1/2 Story	940/1340
Two Story	750/1500
Accessory Structure	
Location	Side or Rear Yard
Front Setback	Not Permitted in Front Yard
Side Setback	4'
Rear Setback	4'
Structures	
Number of Structures	
Primary	1
Accessory	2
Structure Heights	
Primary	2.5 Stories/30 Feet
Accessory	16', but in no circumstance shall it exceed the height of the principal structure
Parking	
Spaces Required	2
Configuration	Shall be located in garage or on driveway



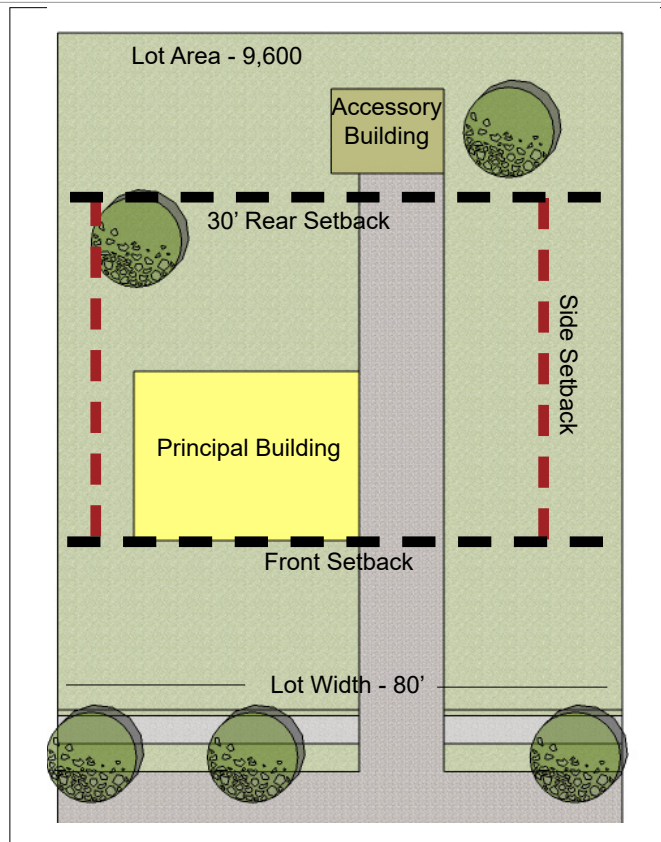
Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback
Regional (204' ROW)	137'
Major	90'
Collector	73'
Local	60'

R1-C Single Family Residential

Lot	
Lot Area	9,600 square feet
Lot Width	80' (90' for corner lot)
Lot Coverage	30%
Impervious Surface	45%
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback (least side/total of two)	6'/14'
Rear Setback	30'
Min. Living Area (sq.ft.)	1200/1200
1 1/2 Story	900/1350
Two Story	750/1450
Accessory Structure	
Location	Side or Rear Yard
Front Setback	Not Permitted in Front Yard
Side Setback	4'
Rear Setback	4'
Structures	
Number of Structures	
Primary	1
Accessory	2
Structure Heights	
Primary	2.5 Stories/30 Feet
Accessory	16', but in no circumstance shall it exceed the height of the principal structure
Parking	
Spaces Required	2
Configuration	Shall be located in garage or on driveway



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback
Regional (204' ROW)	132'
Major	90'
Collector	73'
Local	60'

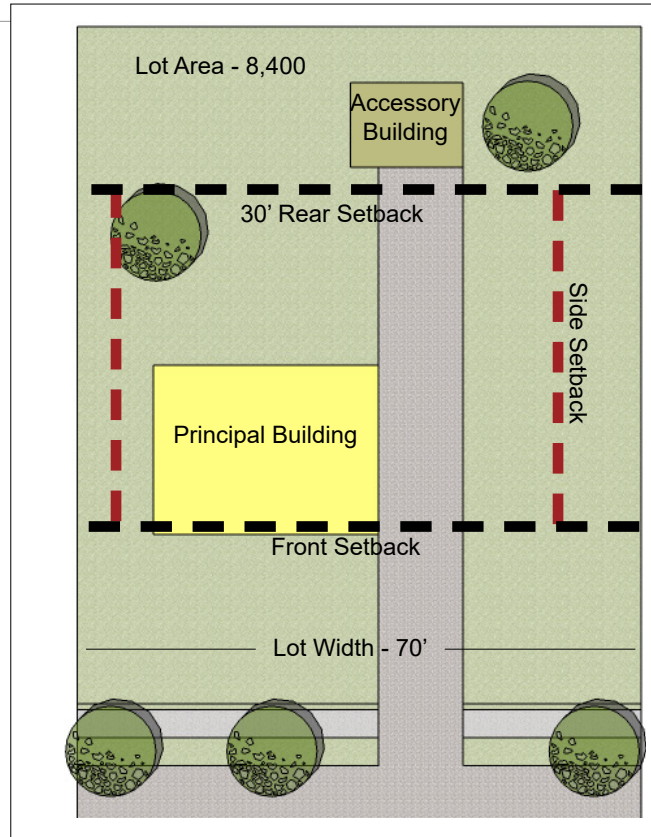
Section 14.09 R1-C Single Family Residential

A	Intent
<p>The single family districts are established to provide principally for single family dwellings at varying densities. The specific interest of these districts is to encourage the construction and continued use of single family dwellings and to prohibit the use of the land which would substantially interfere with the development of single family dwellings and to discourage any land use which, because of its character and size, would create requirements and costs for public services substantially in excess of those at the specified densities and to discourage any land use which would generate excessive traffic on local streets.</p>	

B	Permitted Use	C	Special Land Uses
1	Single Family Dwelling	<p>The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.</p>	
2	Accessory Buildings and Structures		
3	Family Day Care (1-6 Children)		
4	Home Occupation - Type 1 (Section 15.26A.)		
5	Parks		
6	Public Schools		
7	Township Facilities		
		1	Cemeteries (Section 15.14)
		2	Funeral Homes (Section 15.21)
		3	Golf Course (Section 15.24)
		4	Group Day Care (7-12 Adults or Children) (Section 15.25)
		5	Home Occupations - Type II (Section 15.26B)
		6	Places of Worship (Section 15.32)
		7	Planned Unit Development (Section 15.33)
		8	Private Clubs and Fraternal Organizations (Section 15.34)
		9	Public Utility Buildings
		10	Two Family Dwellings (Section 15.40)

R1-D Single Family Residential

Lot	
Lot Area	8,400 square feet
Lot Width	70' (80' for corner lot)
Lot Coverage	35%
Impervious Surface*	50%
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback (least side/total of two)	6'/14'
Rear Setback	30'
Min. Living Area (sq.ft.)	1000/1000
1 1/2 Story	875/1250
Two Story	750/1400
Accessory Structure	
Location	Side or Rear Yard
Front Setback	Not Permitted in Front Yard
Side Setback	4'
Rear Setback	4'
Structures	
Number of Structures	
Primary	1
Accessory	2
Structure Heights	
Primary	2.5 Stories/35 Feet
Accessory	16', but in no circumstance shall it exceed the height of the principal structure
Parking	
Spaces Required	2
Configuration	Shall be located in garage or on driveway



Front Yard Setback

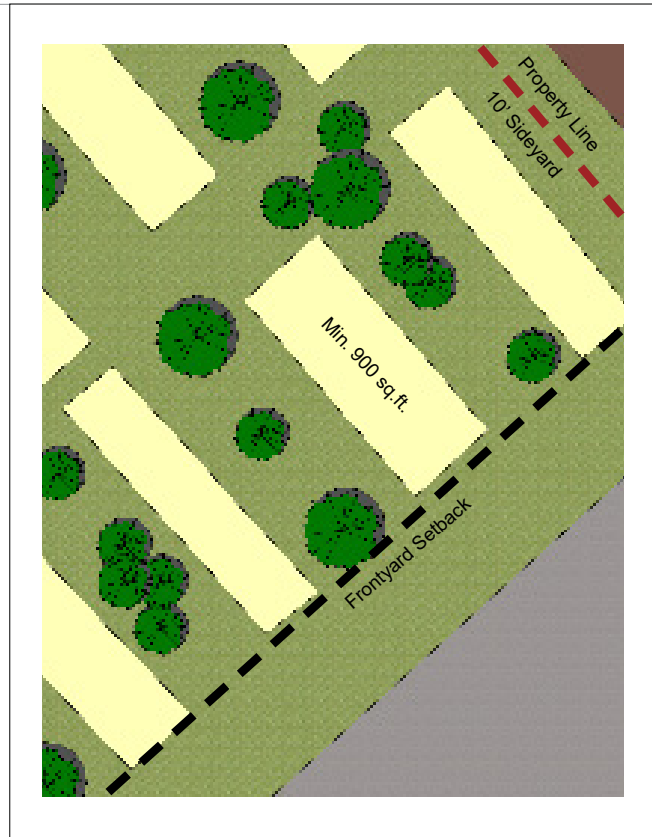
*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback
Regional (204' ROW)	132'
Major	90'
Collector	73'
Local	60'

* The impervious surface ratio for nonconforming lots may be increased 1% for each 1% of reduced lot size. For example: A 7,500 square foot lot would require an impervious surface area of 8,400 (required lot size) - 7,500 s.f. = 900 square feet. 900 divided by 8,400 = 10.7% rounded = 11%. The impervious surface ratio required is 50% + 11% = 61%. In no case shall the impervious surface ratio exceed 75%. Swimming pools shall not be considered impervious surface.

MHC Manufactured Housing Community

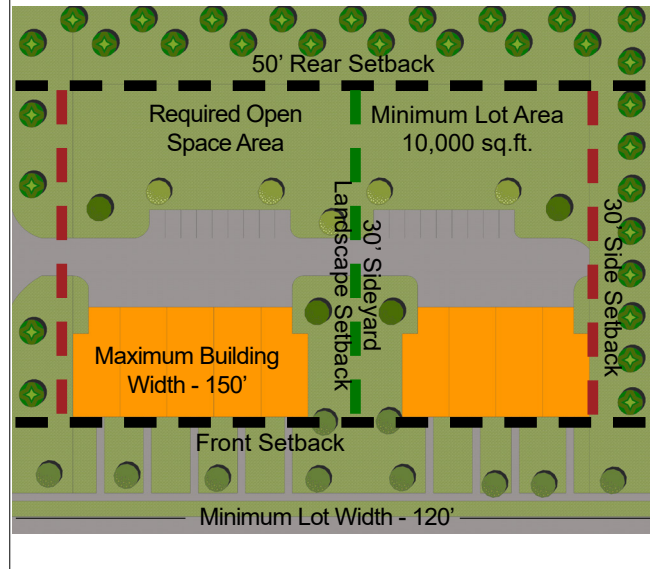
Lot	
Lot Area	10,000 sq.ft
Lot Width	80'
Max. Lot Coverage	40%
Max. Impervious Surface	50%
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback (each side)	10'
Rear Setback	35'
Min. Living Area (sq.ft.)	900 Sq.ft.
Accessory Structure	
Location	Side or Rear Yard
PC Approval required for an accessory structure in a manufactured housing community development	
Other Requirements	
Fire Hydrants of a size and a pressure to be used by the Harrison Township Fire Department shall be placed within a manufactured housing community so that no portion of the manufactured home shall be less than 300 feet from a fire hydrant measured along the roadway or parking area.	
Structure Heights	
Primary	2 Stories/30'
Parking	
Spaces Required	2, plus 1 for every 3 (three) manufactured housing sites for visitor parking



Front Yard Setback	
*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:	
Road Type	Front Yard Setback
Regional (204' ROW)	132'
Major	90'
Collector	73'
Local	60'

RM-1 Multiple Family Residential

Lot	
Lot Area	Minimum 10,000 SF
Lot Width	Minimum 120' Frontage
Building	
Perimeter Setbacks From Adjacent Property Lines	
Front Setback	See Table Below*
Side Setback	40'
Rear Setback	50'
Min. Living Area	Minimum Square Footage
Efficiency Unit	500 square feet
1-Bedroom Unit	600 square feet
2-Bedroom Unit	750 square feet
3 or More Bedroom Unit	850 sq.ft. plus 200 for every additional bedroom beyond 3
Building Length	
No multiple family building shall exceed 150' in length	
Structure Height	
Primary	<u>3 stories/ 32 feet</u>
Density (Minimum gross site area in square feet, per dwelling unit for each dwelling unity)	
Number of Bedrooms	Site Area Per Unit
1-Bedroom	5,800
2-Bedroom	6,200
3-Bedroom	6,600
Units with more than 3 bedrooms shall provide an additional 1,000 square feet of site area for each additional bedroom.	
Multiple family development plans which include a den, library or other similar type room shall be counted as a bedroom.	
Each development shall be limited to 10% efficiency units.	
Required Open Space Per Unit	
Well defined and improved recreation areas and facilities shall be provided. The minimum number of square feet of recreation area shall be provided in addition to all required setbacks and spacing between building. Open space shall be provided on a per unit basis according to the following table:	
Bedrooms	Open Space Requirement
1 bedroom	400
2 bedrooms	500
3 bedrooms	750
4 bedrooms	1,000



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking
Regional (204' ROW)	142'	122'
Major	110'	90'
Collector	83'	63'
Local	70'	55'

Landscape Setbacks must be provided adjacent to, and surrounding each building on the following basis:

Side of Building	
Front	30 foot landscaped area
Sides	30 foot landscaped area
Rear	50 foot landscaped area

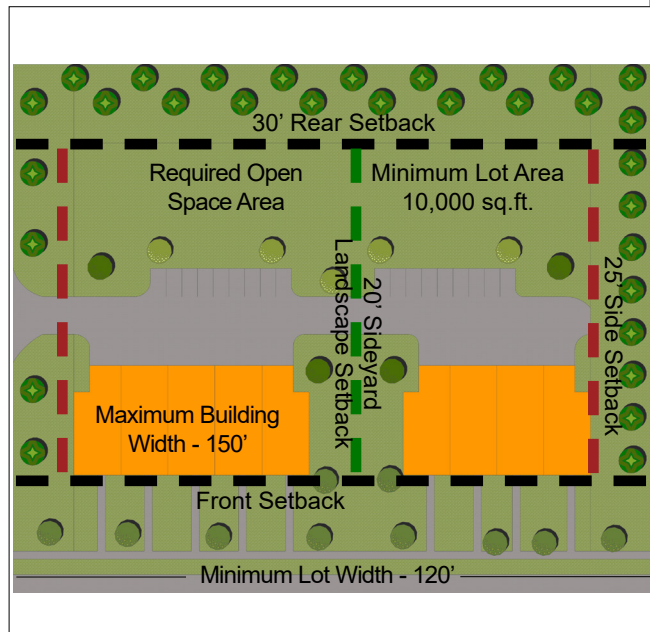
Landscaped setbacks for one building shall not be utilized to satisfy the landscape setback requirement of another building. Such landscape setback shall be exclusive to the building it surrounds

Buildings which include attached garages may utilize a portion of the required landscape setback to permit a parking apron and paved access to a garage. However, pavement shall not surround more than 40% of the overall perimeter of the building.

Parking	
Spaces Required	See Section 9.03

RM-2 Multiple Family Residential

Lot	
Lot Area	Minimum 10,000 SF
Lot Width	Minimum 120' Frontage
Building	
Perimeter Setbacks From Adjacent Property Lines	
Front Setback	See Table Below*
Side Setback	30'
Rear Setback	30'
Min. Living Area	Minimum Square Footage
Efficiency Unit	450 square feet
1-Bedroom Unit	550 square feet
2-Bedroom Unit	700 square feet
3 or More Bedroom Unit	800 sq.ft. plus 200 for every additional bedroom beyond 3
Building Length	
No multiple family building shall exceed 150' in length	
Structure Height	
Primary	3 stories/32 feet
Density (Minimum gross site area in square feet, per dwelling unit provided:	
Number of Bedrooms	Site Area Per Unit
1-Bedroom	4,200
2-Bedroom	4,600
3-Bedroom	5,000
Units with more than 3 bedrooms shall provide an additional 800 square feet of site area for each additional bedroom.	
Multiple family development plans which include a den, library or other similar type room shall be counted as a bedroom.	
Each development shall be limited to 10% efficiency units.	
Required Open Space Per Unit	
Well defined and improved recreation areas and facilities shall be provided. The minimum number of square feet of recreation area shall be provided in addition to all required setbacks and spacing between buildings. Open space shall be provided on a per unit basis according to the following table:	
Bedrooms	Open Space Requirement
1 bedroom	300 square feet
2 bedrooms	400 square feet
3 bedrooms	600 square feet
4 bedrooms	800 square feet



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking
Regional (204' ROW)	122'	102'
Major	90'	70'
Collector	73'	53'
Local	60'	45'

Landscape Setbacks must be provided adjacent to, and surrounding each building on the following basis:

Side of Building	Requirement
Front	20 foot landscaped area
Sides	20 foot landscaped area
Rear	30 foot landscaped area

Landscaped setbacks for one building shall not be utilized to satisfy the landscape setback requirement of another building. Such landscape setback shall be exclusive to the building it surrounds

Buildings which include attached garages may utilize a portion of the required landscape setback to permit a parking apron and paved access to a garage. However, pavement shall not surround more than 40% of the overall perimeter of the building.

Parking	Requirement
Spaces Required	See Section 9.03

Section 14.13 RM-2 Multiple Family Residential

A	Intent
<p>The RM-1 District is intended to provide for the development of multiple-family dwelling units, including apartments, townhomes, and attached condominiums. The provisions that regulate this land use district should provide for the development of high density residential neighborhoods.</p>	

B	Permitted Use	C	Special Land Use Approval	
1	Single Family Dwelling		<p>The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.</p>	
2	Two Family Dwelling			
3	Multiple Family Dwelling			
4	Home Occupations - Type I (Section 15.26A)			
5	Township Facilities			
6	Parks	1		Bed and Breakfasts (Section 15.07)
7	Accessory Buildings and Structures	2		Convalescent, Nursing Homes, and Hospices (Section 15.18)
8	Boat Basins and Boat Slips accessory to a multiple family development with the number of slips not to exceed 110% of the number of units within the development.	3		Group Day Care (7-12 Children or Adults) (Section 15.25)
		4	Home Occupations - Type II (Section 15.26B)	
		5	Housing for the Elderly & Senior Citizen Housing (Section 15.27)	
		6	Places of Worship (Section 15.34)	
		7	Planned Unit Development (Section 15.33)	

HMR High and Mid-Rise Residential

Lot	
Lot Area	Minimum 43,560 SF
Lot Width	Minimum 150' Frontage
Building	
Perimeter Setbacks From Adjacent Property Lines	
Front Setback	See Table Below*
Side and Rear Yard setbacks shall be equal to the total height of the proposed building, but in no circumstance shall they be less than 50 feet.	
Floor-to-Area Ratio	
The structures on any lot shall have a total floor area not exceeding 50% of the lot area.	
Min. Living Area	Minimum Square Footage
Efficiency Unit	450 square feet
1-Bedroom Unit	550 square feet
2-Bedroom Unit	700 square feet
3 or More Bedroom Unit	800 sq.ft. plus 200 for every additional bedroom beyond 3
Each development shall be limited to 10% efficiency units.	
Building Length	
No multiple family building shall exceed 150' in length	
Maximum Structure Height	
Primary	10 stories/120 feet
Any proposed development where the structures do not exceed three (3) stories in height shall be regulated by all terms of the RM-2 Zoning District	
Required Open Space Per Unit	
Well defined and improved recreation areas and facilities shall be provided. The minimum number of square feet of recreation area shall be provided in addition to all required setbacks and spacing between buildings. Open space shall be provided on a per unit basis according to the following table:	
Bedrooms	Open Space Requirement
1 and 2 bedroom units	250 square feet
3 & 4 bedroom units	500 square feet



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking
Regional (204' ROW)	142'	122'
Major	110'	90'
Collector	83'	63'
Local	80'	65'

Landscape Setbacks must be provided adjacent to, and surrounding each building on the following basis:

Side of Building	
All Sides of Building	40 foot landscaped area

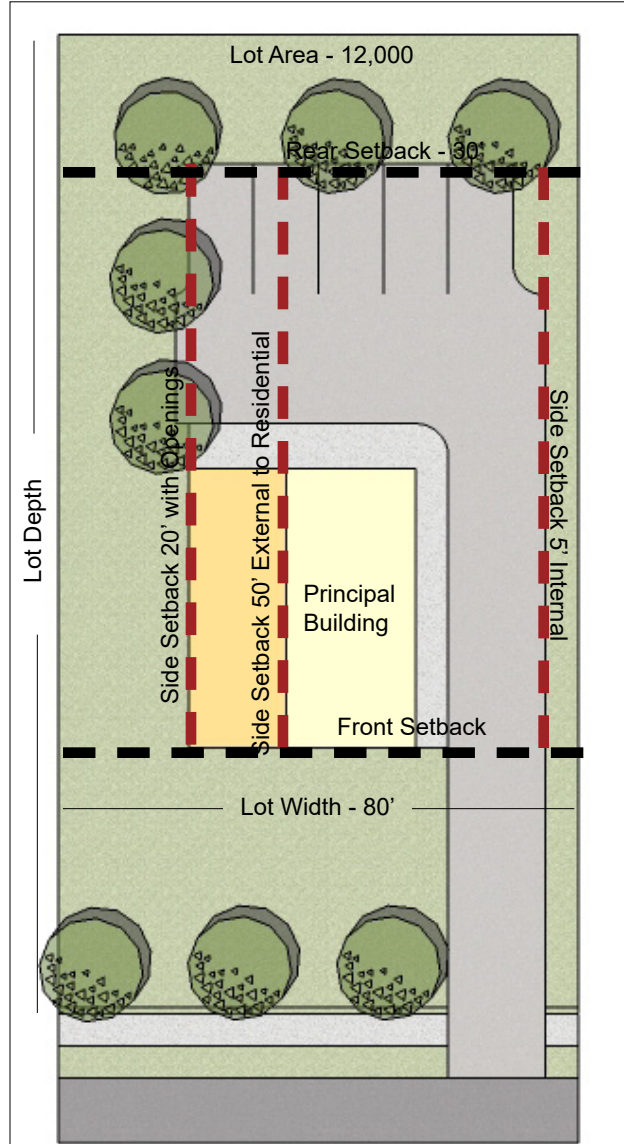
Landscaped setbacks for one building shall not be utilized to satisfy the landscape setback requirement of another building. Such landscape setback shall be exclusive to the building it surrounds

Buildings which include attached garages may utilize a portion of the required landscape setback to permit a parking apron and paved access to a garage. However, pavement shall not surround more than 40% of the overall perimeter of the building.

Parking	
Spaces Required	See Section 9.03

LC LOCAL COMMERCIAL

Lot	
Lot Area	12,000
Lot Width	80 ft.
Lot Coverage	30%
Building	
Front Setback	See Table Below*
Side Setback	5' Interior Side 20' If Openings 50 Exterior Side if abutting residential
Rear Setback	30'
Structures	
Number of Structures	
Principal	N/A
Accessory	N/A
Structure Height	
Primary	1 story/20'
Parking	
Spaces Required	See Section 9.03
Configuration	See Section 9.03



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking
Regional (204' ROW)	152'	112'
Major	110'	70'
Collector	93'	53'
Local	80'	40'

Section 14.15 LC Local Commercial

A Intent

The LC Local Commercial district is designated to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. Protection of nearby residential districts is considered of importance; thus, businesses which tend to be a nuisance to immediately surrounding residential areas are excluded, even though the goods sold or services offered might fall within the convenience classification.

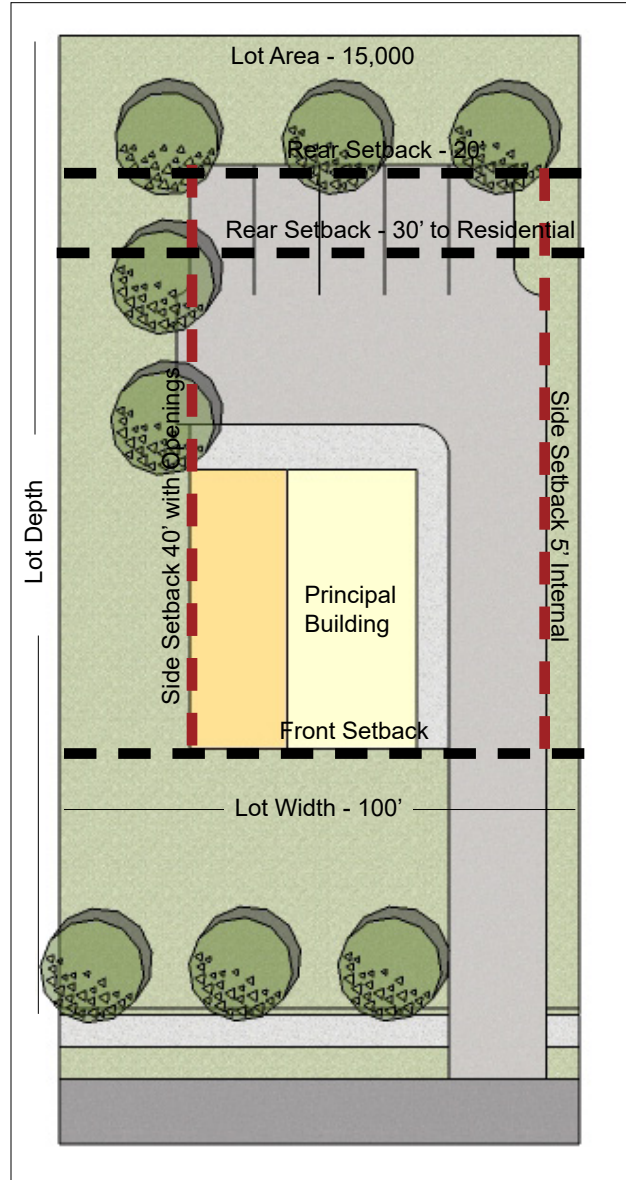
It is further the intent of this district to provide these goods and services in a physical setting that is compatible with surrounding residential neighborhoods and which are of a neighborhood size and character. Whenever possible, local business districts should be developed with consolidated site features to provide for a continuity of appearance and function and to minimize any negative impacts on nearby residential neighborhoods or the township's thoroughfare system.

B	Permitted Use
1	Art Gallery, Dealer or Supply Shop
2	Banks (excluding drive-thru)
3	Carry Out Restaurants
4	Catering Business
5	Dance Hall or Studio
6	Dry Cleaners (drop off only)
7	Drug Store / Pharmacy
8	Eating and Drinking Establishments
9	Food and Beverage Stores
10	Hardware Stores
11	Health and Personal Care Stores
12	Home Accessory and/or Supply Store
13	Home Appliance & Consumer Electronic Store
14	Museum
15	Personal Care Services (i.e. Hair Salons and Tanning Salons)
16	Places of Worship
17	Professional and Medical Office Uses.
18	Public Park
19	General Retail Sales (Indoors only)
20	Township Facilities
21	Accessory Buildings and Structures
22	Outdoor storage and display of merchandise shall be prohibited.

C	Special Land Use Approval
	The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.
1	Cemeteries (Section 15.14)
2	Child Care Centers (Section 15.15)
3	Colleges and Universities (Section 15.16)
4	Drive-Thru Facilities (Section 15.19)
5	Funeral Homes (Section 15.21)
6	General Hospitals (Section 15.23)
7	Outdoor Cafes (Section 15.30)
8	Planned Unit Development (Section 15.33)
9	Private Clubs, Fraternal Organizations, etc. (Section 15.34)
10	Private and Trade Schools (Section 15.35)
11	Public Utility Buildings without storage
12	Veterinary Offices with outdoor runs
13	Zero Lot Line Development (Section 15.43)

GC GENERAL COMMERCIAL

Lot	
Lot Area	15,000
Lot Width	100 ft.
Lot Coverage	30%
Building	
Primary Structure	
Front Setback	See Table Below
Side Setback	5' Interior Side 40' If Openings 40' Exterior Side to Residential
Rear Setback	
	20' Interior Rear 30' Exterior Rear to Residential
Structures	
Number of Structures	
Primary	N/A
Accessory	N/A
Structure Heights	
Principal	2 stories/30'
Accessory	2 stories/30'
Parking	
Spaces Required	See Section 9.03
Configuration	See Section 9.05



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking
Regional (204' ROW)	152'	112'
Major	110'	70'
Collector	93'	53'
Local	80'	40'

Section 14.16 GC General Commercial

A	Intent
	<p>The GC General Commercial district is designed to provide for a wide diversity of business activities which are predominantly, but not necessarily, totally retail in character. In addition to retail uses, a number of other activities, usually requiring considerable land area and access to major thoroughfares, are permitted. Uses in this district normally must have good automobile accessibility, but should not cause congestion on adjacent thoroughfares.</p>

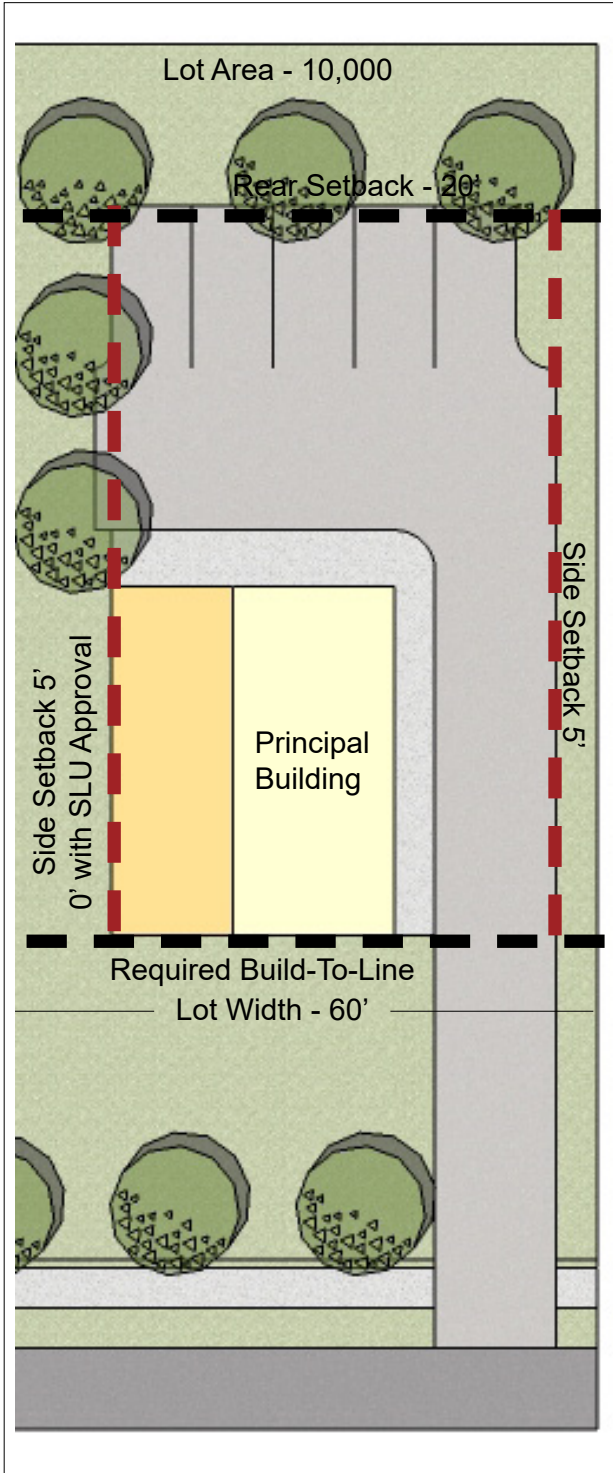
B	Permitted Use
1	Permitted Uses in the LC Zoning District
2	Auto Parts Sales
3	Building material Supply and Dealer except for Lumber Retail Yards with all activities being indoor. The outdoor display, storage, or sale of goods shall be considered a special land use.
4	Catering/Banquet Hall
5	Commercial Businesses of a Retail Nature
6	Colleges and Universities
7	Eating and Drinking Establishments (excluding Drive-Thru Facilities)
8	Electrical Supply Store
9	Funeral Home
10	Garage Door Dealer
11	Home Furniture, Furnishings and Equipment
12	Lawn & Garden Equipment & Supply Store
13	Nursery and Garden Center
14	Outdoor Cafes
15	Physical Fitness Facilities
16	Places of Worship
17	Precious Metal/Buy-Sell
18	Private Clubs, Fraternal Organizations, etc.
19	Private or Trade School
20	Service and Repair Facilities not involving vehicles
21	Warehouse Club Facility

C	Special Land Use Approval
	<p>The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.</p>
1	Auditoriums, Sports Facilities & Outdoor Theaters (Sec. 15.03)
2	Automobile, Motorcycle, and Boat Dealerships (Sec. 15.06)
3	Automobile, Boat, Recreation Vehicle Service and Repair Center (Sec. 15.05)
4	Bowling Alleys (Sec. 15.09)
5	Businesses of a Drive-In Nature (Sec. 15.11)
6	Child Care Centers (Sec. 15.15)
7	Commercial Greenhouse or Nursery (Sec. 15.17)
8	Drive Thru Facilities (Sec. 15.19)
9	Flea Markets
10	Full & Self Service Car Washes (Sec. 15.20)
11	Gasoline Stations (Sec. 15.22)
12	General Hospitals (Sec. 15.23)
13	Hotel and Motels
14	Indoor Commercial Recreation
15	Kennels (Sec. 15.36)
16	Lumber Yard
17	Open Air Businesses
18	Planned Unit Development (Sec. 15.33)
19	Pre-Fabricated Home Sales
20	Public Utility Buildings without storage
21	Wireless Communication Towers (Sec. 15.41)
22	Veterinary Offices with outdoor runs
23	Zero Lot Line (Section 15.43)

V-1 VILLAGE DISTRICT

Lot	
Lot Area	10,000
Lot Width	60 ft.
Building	
Primary Structure	
Front Setback (Build-To-Line)	See Table Below*
Side Setback	5' Sideyard or Zero Lot Line after Special Land Use Approval
Rear Setback	20'
Structure Heights	
Principal	See Section 14.17D.
Parking	
Spaces Required	See Section 9.03
Configuration	Not Permitted in Front Yard - See Section 9.04 for full list of requirements
Landscaping	
Screening	Section 6.05
Parking Lot and Frontage	Section 7.03

Front Yard Setback	
*Front and street-side setbacks shall be measured from the centerline of each road. The setbacks required are maximum permitted setbacks (build-to-line):	
Road	Front Yard Setback Building
Jefferson (south of MetroParkway), Shook & S. River Rd.	Build-To-Line Between 53' and 63'
Jefferson (north of MetroParkway) and Crocker Boulevard	Build-To-Line Between 65' and 75'
Local	Build-To-Line 40'



Section 14.17 V-1 Village District

A	Intent
	The major function of the Village District is that of a specialty center. It is the intent of the Village District to permit a mixture of mutually supporting convenience, specialty, and service commercial uses, as well as complementary office, entertainment and residential uses, which provide for the needs of Township residents. The standards contained herein are designed to promote compact infill development which creates a continuous office and retail frontage, convenient and unobstructed pedestrian access and shopping experience, and compatible building appearance and architectural style and character. Uses permitted in this district should complement each other, not adversely impacting vehicular or pedestrian circulation or the overall character and function of the district. Parking must be an integral part of development and coordinated with the Village District as a whole.

B	Permitted Use
1	Art Gallery, Dealer or Supply Shop
2	Banks (excluding drive-thru)
3	Carry Out Restaurants
4	Catering Business
5	Dance Hall or Studio
6	Dry Cleaners (drop off only)
7	Drug Store / Pharmacy
8	Eating and Drinking Establishments
9	Food and Beverage Stores
10	Hardware Stores
11	Health and Personal Care Stores
12	Home Accessory and/or Supply Store
13	Home Appliance & Consumer Electronic Store
14	Museum
15	Personal Care Services (i.e. Hair Salons and Tanning Salons)
16	Places of Worship
17	Physical Fitness Facilities
18	Professional and Medical Office Uses.
19	Precious Metal Buy/Sell
20	Public Park
21	General Retail Sales (Indoors only)
22	Theaters (Indoor)
23	Township Facilities
24	Accessory Buildings and Structures
25	Outdoor storage and display of merchandise shall be prohibited.

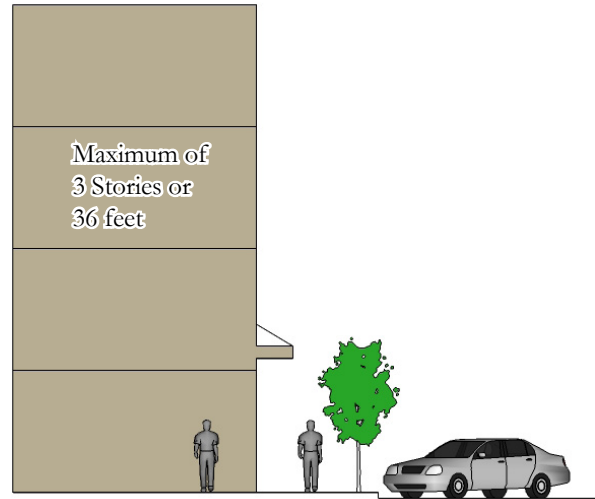
C	Special Land Use Approval
	The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.
1	Child Care Centers (Section 15.15)
2	Drive Thru Facilities (Section 15.19)
3	Hotels and Motels
4	Multiple Family development subject to the RM-2 requirements
5	Outdoor Seating Areas of Cafes (Section 15.30)
6	Planned Unit Development (Section 15.33)
18	Private Clubs, Fraternal Organizations, etc. (Section 15.34)
8	Private or Trade Schools (Section 15.35)
9	Residential Uses located on the second floor or higher of a building occupied on the first floor by a non-residential use
10	Zero Lot Line Development (Section 15.43)
11	Permitted and Special Land Uses of the Waterfront Marina Zoning District
12	Existing Single Family Residential

V-1 VILLAGE DISTRICT

D. Building

Maximum Building Height: The maximum building height permitted shall be three (3) stories or thirty-six (36) feet.

Minimum Building Height: The minimum building height of any building constructed along the required front yard build-to-line shall be twenty (20) feet.



E. Materials

Building Materials: Buildings within the V-1 Village District shall be subject to the design and material requirements of Article 4, as well as the following requirements. Wherever, a conflict exists, the requirements of this section shall prevail:

Commercial and Office: Cement Fiber Board is the required primary facade treatment. 75% of each building elevation shall consist of this material. Secondary and accent treatments may be permitted in accordance with the table provided.

The use of EIFS or other similar materials shall be limited to architectural accents and shall not be utilized less than eight (8) feet above grade.

Multiple Family: Cement Fiber Board is the required primary facade treatment. A secondary treatment of up to 25% is permitted on each elevation.

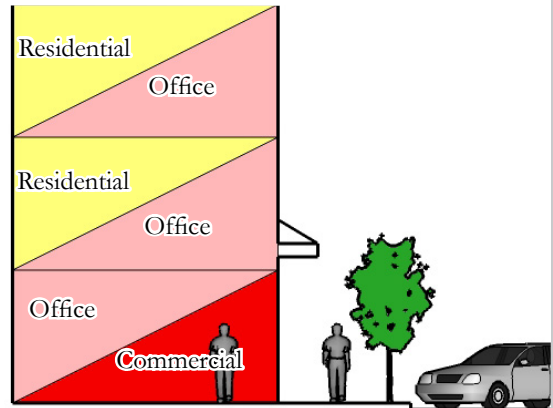
Use	Cement Fiber Board	Brick/Stone	Wood	CMU	EIFS
Commercial/ Office	75% Minimum	Permitted as Secondary Treatment	Permitted as Secondary Treatment	Permitted as Accent Not To Exceed 10%	Permitted as Accent Not To Exceed 10%
Multiple Family	75% Minimum	Permitted as Secondary Treatment	Permitted as Secondary Treatment	Permitted as Accent Not To Exceed 10%	Not Permitted

F. Building Usage: The following uses types may be permitted on each floor:

1st Floor: Commercial/Office

2nd Floor: Office/Residential

3rd Floor: Office/Residential



G. Architecture

1. **Architecture:** Buildings are encouraged to be designed with a nautical themed architecture. Any roof mounted fixtures shall be properly screened from view by the use of parapets.

Long blank walls shall be avoided. Breaks in the facade shall be accomplished with “building steps”, the use of windows and doors, and other architectural elements.

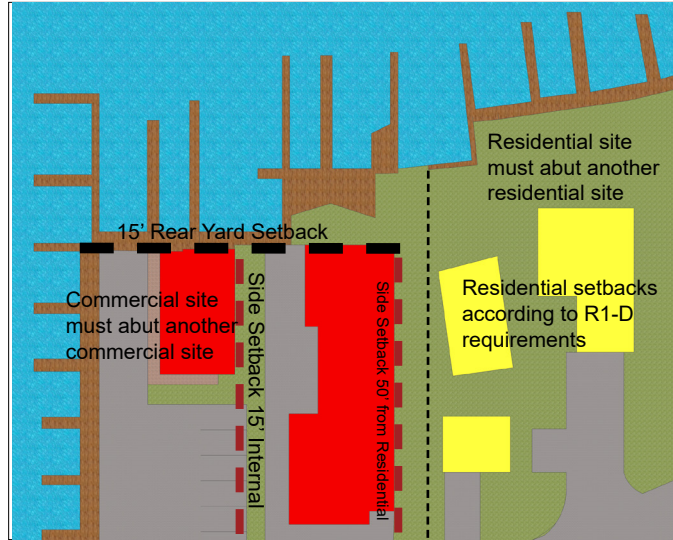
2. **Windows/Transparency:** The length of walls/facades facing streets and internal streets or pedestrian areas shall consist of windows for a minimum of 50% of that facade area.

The use of tinted or reflective glass within first floor windows is prohibited. First floor windows shall only be clear glass.



RW RESIDENTIAL WATERFRONT

Lot	
Lot Area	15,000 square feet
Lot Width	100'
Building	
Primary Structure	
Front Setback	See Table Below*
Single Family residential uses shall maintain setbacks consistent with the requirements of the R1-D zoning district. All other uses shall comply with the setback requirements herein.	
Side Setback	15'/50' on side abutting a residential district
Yard setback from the established fill or bulkhead line for buildings and other uses, except as provided in this paragraph, shall be 20 linear feet. No building or uses, including parking, shall be less than 15' feet from the water's edge. Launching ramps and docks may be constructed to the water's edge and into the water where appropriate.	
Min. Living Area	
Shall be consistent with the requirements of the R1-D Zoning District	
Structure Heights	
Primary	2 stories/35'
Other Issues	
The addition or alteration of slips, boathouses, moorings or the shoreline shall require site plan review the same as other construction or alteration on shore.	
A proposed use shall abut a similar use along at least one of its side boundaries, i.e. residential shall be next to residential, waterfront uses shall be next to other permitted waterfront district uses.	



Front Yard Setback

***Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:**

Road Type	Front Yard Setback	
	Building	Parking & Outdoor Storage
Regional (204' ROW)	132'	112'
Major	90'	70'
Collector	73'	53'
Local	60'	40'

Section 14.18 RW Residential Waterfront Mixed-Use District

A	Intent
<p>The RW, residential waterfront mixed-use district is established to encourage a diversity of compatible land uses, which may include a mixture of residential, waterfront, office, retail, recreational, and other similar uses within an aesthetically attractive environment conducive to the development and protection against nuisance-type uses and combinations.</p>	

B	Permitted Use
1	Single Family Dwellings
2	Family Day Care
3	Home Occupation - Type 1 (Section 15.26A)
4	Parks
5	Private Beaches and Recreation Areas Directly Related to the Waterfront
6	Public Schools
7	Township Facilities
8	Accessory Buildings, Uses and Structures

C	Special Land Use Approval
<p>The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.</p>	
1	Public or private facilities for berthing or servicing of recreational boats (Section 15.08)
2	Retail Businesses which supply products primarily and directly for persons using the waterfront facilities in the district such as: sale of boats, equipment and accessories, fishing equipment and other similar items.
3	Indoor storage of boats in a permanent structure (Section 15.38)
4	Outdoor storage of recreational boats on the paved off-street parking surface.
5	Group Day Care (7 to 12 Adults or Children) (Section 15.25)
6	Places of Worship (Section 15.32)
7	Planned Unit Development (Section 15.33)
8	Private Clubs or Fraternal Organizations (Section 15.34)
9	Private or Trade Schools (Section 15.35)
10	Public Utility Structures
11	Two-Family Dwellings (Section 15.40)
12	Accessory Uses in buildings as follows: Private launching facilities when developed in conjunction with a private marina for an exclusive use of those berthing boats at such marina

WF WATERFRONT DISTRICT

Lot	
Lot Area	15,000
Lot Width	100'
Building	
Primary Structure	
Front Setback	See Table Below*
Side Setback	20'

Yard setback from the established fill or bulkhead line for buildings and other uses, except as provided in this paragraph, shall fifteen (15) linear feet. No building or use (including off-street parking), except covered boat wells, slips or berths, shall be less than fifteen from the water's edge. Launching ramps and docks may be constructed to the water's edge and into the water, where appropriate.

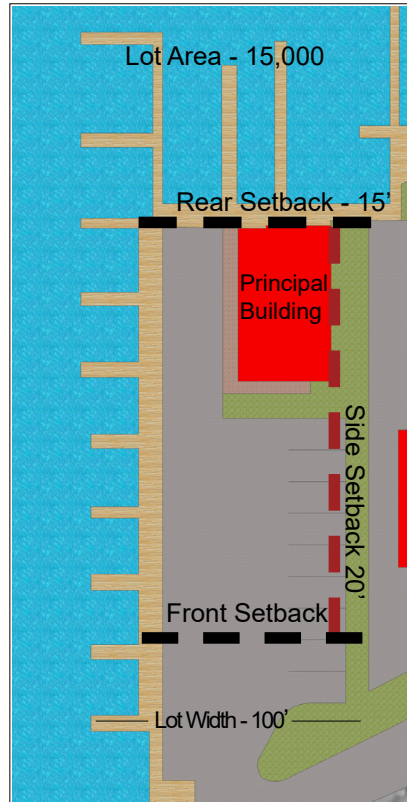
Structure Heights	
Primary	2 stories/35'

The addition or alteration (excluding maintenance) of slips, boathouses, moorings or the shoreline shall require site plan review the same as other construction or alteration on shore.

Permitted outside storage of boats and equipment necessary and accessory to the principal use shall comply with the following conditions:

All storage or parking shall meet the principal setback requirements.

Facilities shall be provided at the marina for disposal of refuse from boat holding tanks in a sanitary manner. Each marina shall provide suitable, safe and sanitary toilet refuse facilities within buildings designed for this purpose.



Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking & Outdoor Storage
Regional (204' ROW)	132'	112'
Major	90'	70'
Collector	73'	53'
Local	60'	40'

Section 14.19 WF Waterfront District

A	Intent
	<p>The waterfront of Harrison Township is a limited community resource; therefore, it is the intent of the Waterfront District to allow only those recreational, public and business uses which are related to the waterfront and which, therefore, cannot feasibly be located elsewhere. Residential uses shall only be permitted after careful review for compatibility with existing and potential surrounding uses. Such districts are intended to encourage safe and efficient development of waterfront areas and facilitate navigation.</p>

B	Permitted Use
1	Public or private facilities for berthing or servicing of recreational boats (Marina)
2	Public Beaches and recreation areas directly related to the waterfront
3	Retail Businesses which supply products primarily and directly for persons using the facilities in the district such as: sale of boats, equipment and accessories, fishing equipment and other similar items.
4	Indoor storage of boats in a permanent structure
5	Public Park
6	Township Facilities
7	<p>Accessory Uses and Buildings With the Following Restrictions:</p> <ul style="list-style-type: none"> Private launching facilities when developed in conjunction with a private marina for an exclusive use of those berthing boats at such marina. Outdoor storage of recreational boats on the paved off-street parking surface.
8	No parking lot shall be occupied by stored boats during the months of June, July and August. All such storage shall be arranged in an orderly manner and at least one-half (1/2) of the parking area shall be conveniently available for customer parking by May 15th. All other areas used to store boats shall comply with the requirements of Section 11.13.

C	Special Land Use Approval
	<p>The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.</p>
1	Governmental facilities for the berthing, launching, handling or servicing of commercial boats
2	Boat Fuel Stations
3	Boat Launch Ramps-Public and Private (Section 15.08)
4	Eating and Drinking Establishments
5	Engine and Hull Repair Shops
6	Marine Construction, Maintenance Equipment Use and Storage
7	Places of Worship (Section 15.32)
8	Planned Unit Development (Section 15.33)
9	Private Clubs and Fraternal Organizations (Section 15.34)
10	Public Utility Buildings without Storage
11	Single Family Residential as regulated by the R1-D Zoning District
12	Stacked Boat Storage (Section 15.38)
13	Wireless Communication Towers (Section 15.41)

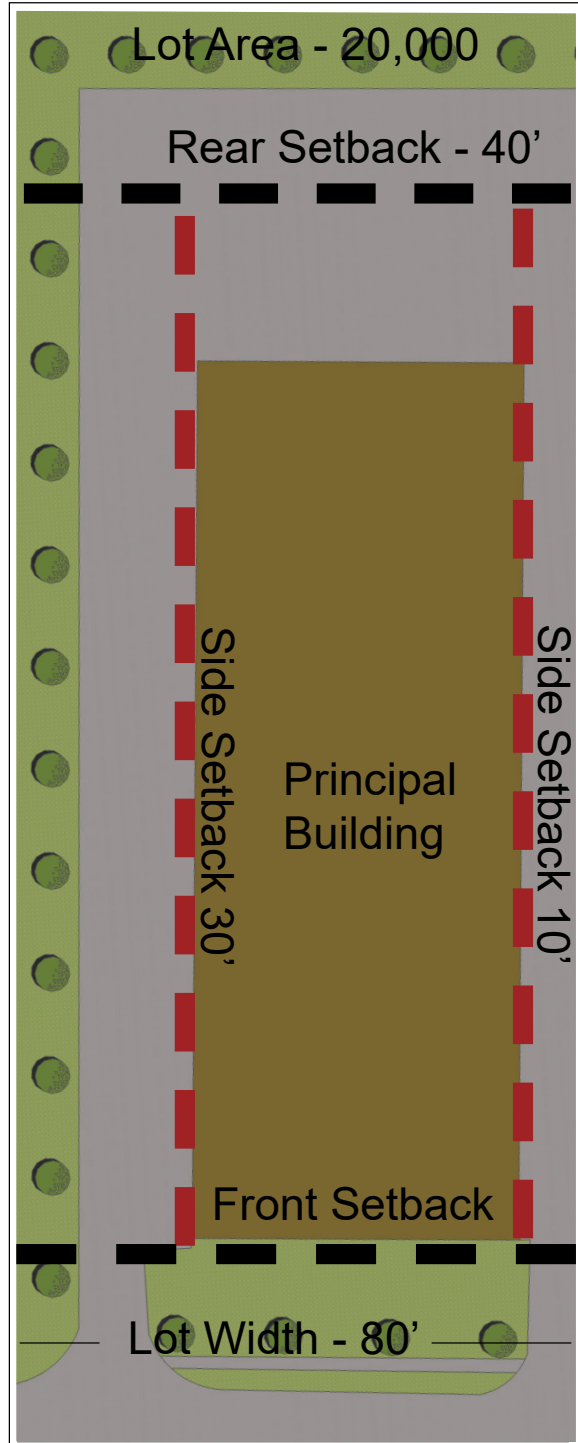
IND INDUSTRIAL DISTRICT

Lot	
Lot Area	20,000
Lot Width	80 ft.
Lot Coverage	50%
Impervious Surface	90%
Building	
Primary Structure	
Front Setback	
Side Setback Least Side /Combined Total	10'/40' (Zero Lot Line as a Special Land Use)
Rear Setback	40'
Other Requirements	
All uses shall meet the performance standards outlined in Section 7.06	
Structure Heights	
Primary	2 Stories/40'

Front Yard Setback

*Front and street-side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan as follows:

Road Type	Front Yard Setback	
	Building	Parking & Outdoor Storage
Regional (204' ROW)	152'	112'
Major	110'	70'
Collector	93'	53'
Local	80'	40'
Freeway	100'	60'



Article XIV ZONING DISTRICTS



Section 14.20 Industrial District

A	Intent
	The intent of the Industrial District is to encourage and facilitate the development of industrial enterprise in a setting conducive to economic stability and growth, providing protection from blight, deterioration and nonindustrial encroachment, and efficient traffic movement for employee and truck traffic. Protection is provided to residential land uses by separating them from industrial activities and by prohibiting the use of industrial zones for new residential development.

B	Permitted Use
1	Administrative Offices of Permitted Uses
2	Automobile, Boat, RV Service and Repair
3	Building Material Sales
4	Contractors Offices with garages for indoor maintenance and indoor storage of equipment
5	Corporate Headquarters
6	County, State and Federal Uses
7	Home Supply Dealers
8	Indoor Storage of Boats
9	Industrial Printing Facility
10	Lawn & Garden Equipment Supply Dealer
11	Manufacturing of Merchandise from previously prepared materials
12	Packaging Facilities
13	Places of Worship
14	Pre-Fabricated Home Dealer
15	Private or Trade Schools
16	Private or Public Park
17	Sleeping Quarters for Security and Maintenance Personnel
18	Township Facilities
19	Tool and Die, Gauge and Machine Shops
20	Uses with Secondary Impacts (Adult Uses, Pawnbrokers, etc.)
21	Warehousing, Wholesale Establishments and Indoor Storage
22	Accessory uses and accessory outside storage customarily incidental to any of the above uses such as currently licensed cars, trucks, finished and semi-finished materials produced on the premises.

C	Special Land Use Approval
	The following uses, and others similar to those cited in this Article, may be permitted by the Planning Commission, subject to the special land use standards outlined in this ordinance.
1	Airports (Section 15.02)
2	Automobile Heavy Repair Garage (Collision) (Sec. 15.04)
3	Boat Engine and Hull Repair
4	Bulk Storage of Flammables & Raw Materials (Sec. 15.10)
5	Bus Garages/Transportation Terminals
6	Central Dry Cleaning Plant
7	Cement Crushing and Batch Plant Operations (Sec. 15.13)
8	Commercial and Retail Service Uses
9	Compounding Facilities
10	Crematoriums
11	Foundries
12	Freight Terminal
13	Indoor and Outdoor Recreational Facilities
14	Junk Yards (Section 15.28)
15	Landfills (Section 15.29)
16	Lumber and Planing Mills
17	Outdoor Storage (Section 15.31)
18	Planned Unit Developments (Section 15.33)
19	Plating Facilities
20	Public Utility Structures
21	Refuse Disposal Incinerators, Recycling Centers and Transfer Stations (Section 15.37)
22	Stamping, Punching, Hammering, Riveting, Grinding or Pressing Operations
23	Towing Service
24	Transportation Services
25	Truck Terminal (Section 15.39)
26	Wireless Communication Towers (Section 15.41)
27	Yard Composting Facility (Section 15.42)
28	Zero Lot Line (Section 15.43)
29	Any lawful use of land not expressly prohibited or provided for (as a permitted or special land use) shall be a special land use in this district when such uses comply with the intent of this Ordinance.



Article XV USE MATRIX

USES

Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Residential Uses														
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Family Day Care (Under 7)	P	P	P	P	P	P	P	P			P	P		
Group Day Care (7-12 Persons)	S	S	S	S	S	S	S	S			S	S		
Multiple-Family Housing						P	P	P			S			
Senior / Elderly Housing						S	S	S			S			
Nursing/Convalescent Home						S	S	S			S			
Single-Family Dwelling	P	P	P	P	P	P	P	P				P		
Two-Family Dwelling			S	S	S	P	P	P				S		
Home Occupation Type I	P	P	P	P	P	P	P	P			P	P		
Home Occupation Type II	S	S	S	S	S	S	S	S			S	S		
Commercial Uses														
Apparel and Accessory Related Uses														
General Retail Sales Such As:									P	P	P			
Cosmetic, Beauty Supply & Perfume Store									P	P	P			
Clothing Accessory Shop									P	P	P			
Resale shop									P	P	P			
Clothing Store									P	P	P			
Department Store									P	P	P			
Jewelry Store (Retail)									P	P	P			
Leather and Luggage Shop									P	P	P			
Optical and Sunglass Store									P	P	P			
Shoe Store									P	P	P			

P = PERMITTED USE

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Article XV USE MATRIX

USES

Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Precious Metal /Buy-Sell										P	P			
Food, Beverage and Tobacco Related Uses														
Carry Out Restaurants									P	P	P	S	S	
Catering									P	P	P			
Eating and Drinking Establishment									P	P	P	S	S	
Food and Beverage Stores, Such As:									P	P	P			
Bakery									P	P	P			
Beer, Wine and Liquor Store									P	P	P	S	P	
Bulk Food Store									P	P	P			
Butcher & Meat Shop									P	P	P			
Coffee & Tea Shop									P	P	P			
Convenience Store									P	P	P			
Delicatessen									P	P	P			
Donut and Bagel Shop									P	P	P			
Fish and Seafood Market									P	P	P			
Fruit and Vegetable Market									P	P	P			
Grocery Store									P	P	P	S	P	
Ice Cream / Frozen Yogurt Shop									P	P	P			
Outdoor Cafes									S	P	S			
Home Improvement & Decoration Related Uses														
Building Material Sales excluding Lumber Yards										P				
Garage Door Dealer										P				P
Hardware Store									P	P	P			
Home Appliance and Consumer Electronic Store									P	P	P			
Home Accessory and/or Supply Store, Such As:									P	P	P			
Bath Shop									P	P	P			

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Article XV USE MATRIX



Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Candle Shop									P	P	P			
Electrical Supply Store										P				
Fireplace Store									P	P	P			
Floor Covering Store									P	P				
Furniture and/or Home Furnishing Store									P	P	P			
Glass Store									P	P	P			
Interior Design Shop									P	P	P			
Kitchen Cabinet Store									P	P	P			P
Kitchenware Store									P	P	P			
Lamp & Lighting Shop									P	P	P			P
Linen store									P	P	P			
Paint & Wallpaper Store									P	P				P
Plumbing Supply Store									P	P				P
Swimming Pool Supply Stores									P	P				P
Window Treatment Store									P	P	P			
Lawn and Garden Equipment & Supply Store										P				P
Lumber yard										S				S
Pre-Fabricated Home Dealer										S				P
Motor Vehicle Related Uses														
Auto Collision Repair (Body & Paint)														S
Auto, Boat, Recreation Vehicle Service & Repair										S				P
Auto, Motorcycle, Boat and other Recreational Vehicles Sales										S				
Auto Part Sales										P				

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Article XV USE MATRIX



Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Auto Wash										S				
Boat Fuel Stations												S	S	
Engine & Hull Repair Shops												S	S	S
Gasoline station										S				
Indoor Storage of Boats in a Permanent Structure												S	P	P
Office Related Uses														
Bank (with Drive-Thru Facilities)									S	S	S			
Bank (without Drive Thru Facilities)									P	P	P			
Hospital / Urgent Care									S	S				
Medical/Dental Office									P	P	P			
Professional Office									P	P	P			
Veterinary Office w/ Outdoor Runs									S	S				
Organization, Recreation, and Hotel Related Uses														
Art gallery									P	P	P			
Bed and Breakfast						S	S	S						
Boat Launch Ramps												S	S	
Bowling Alley & Similar Commercial Recreation										S				
Church, Synagogue, Temple, & Other Places of Religious Worship	S	S	S	S	S	S	S	S	P	P	P	S	S	P
Catering/Banquet Hall										P				
Dance Hall / Studio									P	P	P			
Golf Courses & Country Clubs	S	S	S	S	S									
Hotel /Motel										S	S			
Indoor/Outdoor Recreation Facilities														S
Marine Construction, Maintenance Equipment Use and Storage												S	S	
Museums									P	P	P			
Physical Fitness Facilities										P	P			

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Article XV USE MATRIX



Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Private/Public Beaches												P	P	
Private Clubs & Fraternal Organizations	S	S	S	S	S	S	S	S	S	P	S	S	S	
Public or Private Facilities for Berthing or Servicing Boats												S	P	
Sport Facilities										S				
Stacked Boat Storage												S	S	
Theatres, Indoor										S	P			
Theatres, Outdoor										S				
Personal Service Related Uses														
Child Care Center									S	S	S			
Drug Stores/Pharmacies									P	P	P			
Dry Cleaning (Drop Off Only)									P	P	P			
Funeral Home	S	S	S	S	P	S	S	S	S	P	S			
Health and Personal Care Stores									P	P	P			
Personal Care Services, Such As:									P	P	P			
Barbershop									P	P	P			
Beauty Salon/Spa									P	P	P			
Tanning Salon									P	P	P			
Laundromat									P	P	P			
Sexually Oriented Businesses														P
Service and Repair Facilities Not Involving Vehicles										P				
Tattoo Parlors														P
Other Commercial Uses														
Art Dealer									P	P	P			
Art Supply Shop									P	P	P			
Businesses of a Drive-In Nature										S				
Drive-Thru Facilities									S	S	S			
General Retail Sales Such As:									P	P	P			

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Article XV USE MATRIX



Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Book Store									P	P	P			
Camera & Photographic Supply Store									P	P	P			
Collector's item shop									P	P	P			
Copy & Print Shop									P	P	P			
Dollar Store									P	P	P			
Gift, Novelty & Souvenir Shop									P	P	P			
Firework Store (permanent)									P	P	P			
Florist Shop									P	P	P			
Hobby, Toy & Game Shop									P	P	P			
Music Store									P	P	P			
Office Supply Store									P	P	P			
Pet and Pet Supply Store									P	P	P			
Sporting Goods Store									P	P	P			
Commercial Greenhouse and/or Nursery										S				
Flea Markets										S				
Kennels										S				
Pawnshops														P
Warehouse Club Store										P				
Industrial Related Uses														
Airport, Heliport and Related Uses														S
Bulk Storage of Flammables and Raw Materials														S
Bus Garage/ Transportation Terminal														S
Central Dry Cleaning Plants														S

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Article XV USE MATRIX



Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Cement Crushing & Permanent Batch Plant Operations														S
Chemical Processing Plants														S
Compounding Facilities														S
Contractor Office / Showroom														P
Crematoriums														S
Foundries														S
Industrial Printing Facility														P
Junk Yards														S
Landfill														S
Lumber and Planing Mills														S
Manufacturing From Previously Prepared Materials														P
Other Outdoor Industrial Operations														S
Outdoor Storage Yards														S
Packaging Facilities														P
Plating Facilities														S
Refuse Disposal, Recycling Center and Transfer Stations														S
Stamping, Punching or Pressing operations														S
Tool, Die, Gauge, or Machine Shop														P
Towing Service														S
Transportation Services														S
Truck Terminal														S
Warehousing and Storage/Mini-Storage														P
Yard Composting Facility														S

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Article XV USE MATRIX



Use	R1/ R1-A	R1-B	R1-C	R1-D	MHC	RM-1	RM-2	HMR	LC	GC	V-1	RW	WF	IND
Government / Education Uses														
Cemetery	S	S	S	S	S	S	S	S	S	S				
College / University					P	S	S	S	S	P	S			
Communication Towers										S			S	S
Township Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Utility Structures	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Public Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Private & Trade Schools					S	S	S	S	S	P	S	S		S

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Section 16.01 Non-Conforming Lots, Uses, & Structures

It is the intent to recognize that the elimination, as expeditiously as is reasonable, of existing structures and uses that are not in conformity with the provisions of this Ordinance, is as much a subject of health, safety, and welfare as is the prevention of the establishment of new structures and uses that would violate the provisions of this Ordinance. It is therefore, the intent to administer the elimination of nonconforming structures and uses, recognizing established private property rights, and avoiding any undue hardship. The following regulations shall apply to all nonconforming buildings and structures, or parts thereof, and nonconforming uses existing at the effective date of this Ordinance.

- A. **Continuance of Nonconforming Building.** Any such nonconforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such building or structure, except as permitted hereinafter in subsections F., G. and H.
- B. **Continuance of Nonconforming Use.** Any such nonconforming use may be continued and maintained, provided there is no increase or enlargement of the area, space or volume occupied by, or devoted to, such nonconforming use within a building or on site.
- C. **Change of Use.** The nonconforming use of a building, structure or land may not be changed to a different use unless one of the following conditions has been met:
 - 1. Such different use is permitted in the Zoning District under which the property is currently zoned. The use shall be subject to site plan review and approval as required in this Ordinance.
 - 2. Such proposed use, while still nonconforming, is considered less intense than the previous nonconforming use as determined by the Harrison Township Planning Commission, and would bring the site closer into conformance with existing Ordinance standards. A use may be deemed more intense if the Planning Commission determines that the proposed use meets any of the following criteria:
 - a. The proposed use generates more light, noise, air, or other pollution than the current use;
 - b. The proposed use generates more traffic and/or turning movements, or negatively alters the traffic circulation pattern on or off the site;
 - c. The use generates a greater need for parking on site;
 - d. The proposed use causes greater negative economic impacts on adjacent properties than the current use.
 - e. Where a use change requires submission of a site plan, the applicant shall be required to comply with all applicable zoning provisions.
- D. **Abandonment; Termination of Nonconforming Use.** Any part of a building, structure or land occupied by a nonconforming use which hereafter is abandoned and remains unoccupied for a continuous period of twelve (12) months shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located. This shall not apply to a seasonal nonconforming use of land. However, discontinuation for a full season with no active attempt to sell or market the property shall be considered abandoned and any future use shall conform to this Ordinance.

- E. **Change of Tenancy or Ownership.** There may be a change of tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.
- F. **Maintenance Permitted.** Except as otherwise provided in this Section, a nonconforming building or structure may be maintained. The maintenance of such building or structure shall include necessary repairs and incidental alterations. Alterations, however, shall not constitute an expansion of the building or in any other way violate the terms of this Section. Provided further, that the cost of such work shall not exceed thirty (30%) percent of the assessed valuation of such building or structure at the time such work is done. This requirement shall not be considered as prohibiting the bringing of a structure into conformity with the regulations of the district in which it is located.
- G. **Restoration of a Damaged or Demolished Building.**
1. No nonconforming use shall be resumed if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty, or by demolition work, to the extent that the cost of reconstruction or repairs exceeds fifty (50%) percent of the replacement cost of such structure as defined by the current Building Code.
 2. No nonconforming use shall be enlarged or extended, nor shall the structure it occupies be repaired or reconstructed if demolished, damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50%) percent of the replacement cost of such structure.
- H. **Additions, Enlargements, Moving.**
1. A building or structure that is nonconforming, in regard to setbacks or height, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Ordinance.
 2. When a building or structure, or portion thereof, is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations, ordinances and codes of the district to which it is moved.
- I. **Expansion Prohibited.** A nonconforming use of a portion of a building or structure, which building or structure otherwise conforms to the provisions of this Ordinance, shall not be expanded or extended into any other portion of such conforming building or structure, nor changed, except to a conforming use. If such nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof, shall be in conformity to the regulations of the district in which such building or structure is located.

- J. Nonconforming Use of Land. Continuation of Use.** The nonconforming use of land (where no building is involved) existing at the date this Ordinance becomes effective, may be continued, provided that:
1. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
 2. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
- K. Conformance of Special Land Uses** Any use for which a special land use approval is required in a specific zoning district as provided in this Ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district. Any change thereafter, however, shall require a site plan and processing as a Special Land Use.
- L. Compliance with Regulations for Nonconforming Buildings or Uses.** Whenever the owner shall fail to comply with the provisions of this Ordinance relating to removal or discontinuance of a nonconforming use, the Building Official shall serve notice in writing on such owner or his agent requiring him/her to comply therewith within a reasonable time after such notice. If, after such notice, the owner fails to comply therewith, the Building Official shall take such action as may be necessary, including civil action, to cause compliance with the provisions hereof.
- M. Nonconforming Lot of Record. Division of Nonconforming Lot.** Parcels shall not be divided in a manner that increases nonconformity, causes an existing structure or site improvement to become nonconforming, or creates one or more nonconforming lots.
- N. Use of a Nonconforming Lot of Record.** Any nonconforming lot of record, in regards to frontage, shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved with a principal building and permitted accessory structures, without the need for a variance, provided that the following conditions have been met:
1. The lot in question shall not be less than thirty-five (35') feet in lot width and one-hundred (100') feet in lot depth.
 2. The structure and lot shall conform with the following:
 - a. Side yard setbacks shall be no less than six (6') feet. In no case shall a new structure be built closer than twelve (12') feet to an existing structure.
 - b. Rear yard and front yard setbacks shall equal the average established setback of the six (6) contiguous lots on each side of the subject lot. In cases where an average setback cannot be equated, the setback shall be determined by the Zoning Board of Appeals. The Zoning Board of Appeals shall to the extent possible maximize the setbacks in an attempt to achieve the intent of the zoning district.

3. The lot is not under contiguous single ownership with other lots that could be combined into one or more conforming lots.

O. Contiguous Nonconforming Lots Under the Same Ownership.

Two (2) or more contiguous, nonconforming lots under the same ownership shall be considered one parcel. The applicant shall not be permitted to make improvements to the parcel prior to combining such lots to create one conforming lot of record.

Section 17.01 SPECIAL LAND USE REVIEW REQUIREMENTS

In all cases, the power to grant special land use approval is vested in the Planning Commission. All applications for special land use approval shall first be forwarded by the Planning Department to the Planning Commission for review and processing. The application shall be submitted in the number of copies required and accompanied by the same number of site plans, all prepared and filed to meet the requirements of Article 3.

The Planning Commission shall review the application after proper notice has been given as required by State law and approve or deny the application. Approval may require conditions the Commission may find necessary; disapproval of the application will be accompanied by reasons in writing. If a public hearing is to be held as provided by State law, then the Planning Commission, after proper notice, shall hear any person wishing to express an opinion on the application.

The Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed land use if it is to be approved.

A. Standards.

1. The proposed use shall be of such location, size and character that it 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.
2. The proposed use shall 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 and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle conflicts.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and 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.
5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses in regards to 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.
6. The proposed use will service a public convenience at the proposed location.

7. The proposed use is so designated, located, planned and operated so that the public health, safety and welfare will be protected.
8. The proposed use shall not cause substantial injury to the value of other property in the vicinity in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

B. Decision.

1. **Approval.** If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which shall be allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use(s) so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than 12 months thereafter, or such approval shall automatically be revoked. The Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding another 12 months as it shall determine to be necessary and appropriate.
2. **Denial.** If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
3. **Record.** The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
4. **Hearings.** The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by State law and/or its rules or procedure.
5. **Conditions.** The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:

- a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
6. Once a Special Land Use has been approved, no Zoning Board of Appeals variance requests shall be permitted. Any changes in the development plans must be made in accordance with revision procedures contained herein.

Section 17.02 AIRPORTS

A. Specific requirements and conditions.

1. Airports, airfields, runways, hangars, beacons and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the township. All aircraft approach lanes, as established by appropriate aeronautical authorities, shall be so developed as to not endanger the permitted land use. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be considered factors in consultations with the appropriate aeronautical agencies in considering an airport use.
2. Yard and placement requirements.
 - a. No building or structure, or part thereof, shall be erected closer than 60 feet from any property line.
 - b. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.
3. Performance requirements. All lights used for landing strips and other lighting facilities shall be so arranged as not to reflect towards adjoining non-airport uses.

B. Prohibited uses. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted, except that wrecked aircraft may be stored in the open for not more than 30 days from the date of the accident.

Section 17.03 AUDITORIUMS, SPORTS FACILITIES AND OUTDOOR THEATERS

1. Viewing screens and/or stages must be so located as to avoid distracting passing motorists on the streets and highways adjoining the site.
2. If vehicle ticket windows are provided, they shall be made available in the ratio of one (1) such window for each two hundred fifty (250) cars of parking space capacity.
3. All ingress and egress from the site shall be directly onto a regional or major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120') feet.
4. The site shall not abut a single-family residential zoning district on more than one (1) sides.
5. Devices for the transmission or broadcasting of voices shall be so directed or muffled as to prevent said sounds or music from being audible beyond the boundaries of the site.
6. A minimum one hundred (100') foot wide landscaped greenbelt shall be provided along all property lines abutting a residential zoning district.

Section 17.04 AUTOMOBILE HEAVY REPAIR GARAGE (COLLISION)

1. All repair activities shall be confined to the interior of the building.

Section 17.05 AUTOMOBILE, BOAT, RECREATION VEHICLE SERVICE AND REPAIR

1. All repair activities shall be confined to the interior of the building.
2. No outdoor storage is permitted within the front yard. A minimum of ten (10) vehicle spaces shall be provided within the rear or side yard for vehicle storage.
3. An adequate means of waste disposal shall be provided.

Section 17.06 AUTO, MOTORCYCLE, BOAT & OTHER RV SALES

1. The lot or area shall be provided and maintained with a permanent, durable and dustless surface constructed of either asphalt or concrete and shall be so graded and drained as to dispose within the site of all surface water accumulated within the area.
2. The location of the site shall be upon a street with a right-of-way of at least 120 feet (existing or proposed) and shall contain no fewer than 40,000 square feet.
3. Such use shall be located no closer than 50 feet from any single-family zoning district. The Planning Commission may require a berm, wall, landscape screen or any or all of the above to protect from noise, dust, light, or any such nuisance.
4. No vehicle repair, bumping, painting or refinishing shall be done on the lot site. Cleaning and refurbishing of vehicles or units shall be permitted if done completely within an enclosed building.
5. Devices for the transmission or broadcasting of voices and/or music shall be prohibited.
6. If such a lot abuts a street of less than 120 feet of right-of-way located abutting an RM district, a berm and landscaping in the front yard on such street shall be provided to screen all outdoor facilities, including storage and display areas, from adjacent residential property. In addition, all other areas of the site shall be fully landscaped.
7. Display areas, storage areas and all other vehicle parking contained on the site shall comply with the parking design and layout requirements of this ordinance.

Section 17.07 BED AND BREAKFASTS

1. The room utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
2. There shall be no separate cooking facilities used for the Bed and Breakfast rooms.
3. The residence shall be occupied at all times by the owner or a staff member.
4. Adequate lavatory, bathing facilities and kitchen facilities for the lodging room shall be provided, as per the requirements of the Macomb County Health Department.

Section 17.08 BOAT LAUNCH RAMPS, PUBLIC AND PRIVATE

1. The site and use shall be located on a major or secondary thoroughfare having a right-of-way equal to, or greater than, one hundred twenty (120) feet, as specified by the Township Master Plan.
2. The number of launchings permitted shall be limited to the number of parking spaces available for the parking of vehicles and boat carriers in any such launch facility or marina. Such spaces shall be no less than twelve (12') feet wide and forty (40') feet deep. One additional passenger vehicle space (10' x 20') feet shall be provided for each two vehicle and boat carrier spaces. Any potential for off-site parking within the stated right-of-ways of the surrounding thoroughfares shall be coordinated with the Road Commission of Macomb County.
3. The Planning Commission may require men's and women's restrooms and shower facilities which are available to the launch ramp users on a case by case basis, based on size of the facility and design of the site.
4. All marinas and facilities offering boat launch facilities shall include a park area. Such park area shall include a minimum of 10,000 square feet of land area for each ten (10) launchings permitted at such marina or boat launch facility. The park area shall be of a maintained lawn and landscape and shall contain, at a minimum, the following number of amenities for each 10,000 square feet of park area: two (2) picnic tables, one (1) permanently installed barbecue, one (1) park bench. In addition to the above requirements, each park shall include one (1) "playscape" located in an area containing no less than 400 square feet of land area, and shall be landscaped with a minimum of ten (10) trees per acre.
5. Lighting shall be provided at appropriate levels and intensities for the purpose of lighting the parking area, walkway areas, ramp area, restroom area and harbor areas.
6. Each facility or marina with a boat launch ramp shall provide a sanitary pump out facility with potable water. Such pump out facility must be accessible and functional while the watercraft remains in the water.
7. Fish cleaning stations shall be permitted subject to the provision of an appropriate means of disposal for all remains being demonstrated to the Planning Commission.
8. Trash receptacles shall be provided throughout the facility at locations approved by the Planning Commission for the convenience of the public.

Section 17.09 BOWLING ALLEYS & SIMILAR FORMS OF INDOOR RECREATION

1. The site shall be a minimum of one (1) acre in size.
2. The site shall be so located as to abut a major thoroughfare right-of-way.
3. The site shall not abut a residential zoning district except at the rear of the site.
4. A minimum twenty-five (25') foot wide landscaped greenbelt shall be provided along any property line which abuts a residential zoning district.

Section 17.10 BULK STORAGE OF FLAMMABLES AND RAW MATERIALS

A. Site requirements.

1. All such uses shall be located on a parcel of land which is surrounded by abutting land zoned IND Industrial.
2. All access to the parking areas shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting and fence or wall so as to obscure from view all activities within the development.

B. Yard and placement requirements.

1. No building, structure or tanks or containers for storage or part thereof shall be erected closer than 100 feet from any property line.
2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site.

Section 17.11 BUSINESSES OF A DRIVE-IN NATURE

A. Specific requirements and conditions.

1. All buildings shall observe the front or street-side setbacks of the district, plus 25 feet.
2. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
3. The entire site, other than that area occupied by buildings and/or structures, shall be landscaped or provided with a permanent, durable and dustless surface constructed of either asphalt or concrete. The site shall be landscaped and maintained. In addition, the site shall be graded and drained, hard-surfaced and maintained.
4. Devices for the transmission or broadcasting of voices shall be so directed or muffled as to prevent said sounds or music from being audible beyond the boundaries of the site.
5. All adjacent side yards shall be zoned for business use.

Section 17.12 CARRY-OUT RESTAURANTS

Adequate ventilation shall be provided to ensure that any odors associated with any food preparation will be confined to the site so as not to create a nuisance for any adjoining residential parcels. All such ventilation systems shall be maintained in good working order at all times.

Section 17.13 CEMENT CRUSHING AND PERMANENT BATCH PLANT OPERATIONS

1. The site shall be a minimum of five (5) acres in size.
2. The site shall be a minimum of one thousand (1,000') feet from any residential structure.
3. All properties which abut the site shall be zoned for industrial use.

Section 17.14 CEMETERIES

1. The cemetery shall have direct access to a public road which is capable of carrying the traffic without interfering with the residential subdivision.
2. The minimum site size shall be 40 acres.
3. Crematoriums shall be centrally located on the cemetery property and shall be a minimum of five hundred (500) feet from any property line.
4. A cemetery shall provide decorative fencing around the entire perimeter of the site.

Section 17.15 CHILD CARE CENTERS

1. The site shall contain a minimum of 150 square feet of outdoor play area for each child and shall not be less than 5,000 square feet in total.

Section 17.16 COLLEGES AND UNIVERSITIES

1. Any use permitted herein shall be developed on sites of at least 15 acres in area.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the master plan.
3. No building shall be closer than 50 feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
4. The site shall consist of a minimum area of 400 square feet per pupil.

Section 17.17 COMMERCIAL GREENHOUSES AND NURSERIES

1. All such uses shall be located on a regional or major road as designated in the Harrison Township Master Plan.
2. All outdoor areas designated for retail sales shall be enclosed by a decorative fence or masonry wall. The Planning Commission shall approve the height of said wall or fencing.
3. A greenbelt with a minimum width of seven (7') feet shall be provided around such

fencing in all areas where no entrance/exit gate is located.

Section 17.18 CONVALESCENT, NURSING HOMES AND HOSPICES

1. All such facilities shall have ingress and egress from a site directly onto a major or secondary thoroughfare or collector road having an existing or planned right-of-way of at least 86 feet, as indicated in the master plan, except existing hospital facilities located on a designated local street shall be exempt from this requirement.
2. All such facilities shall be developed only on sites consisting of at least five acres in area.
3. There shall be provided at least 1,000 square feet of lot area per bed.
4. No building on the site shall exceed 25 feet in height, or two stories.
5. Licensing shall be in accordance with the State of Michigan and/or appropriate authority or jurisdiction.

Section 17.19 DRIVE-THRU FACILITIES

1. The site and use shall be located on a regional or major thoroughfare having a right-of-way equal to, or greater than, one hundred and twenty (120') feet.
2. Any freestanding drive-thru facility located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the Planning Commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed site is compatible with the design and appearance of the remainder of the shopping center.
3. Drive-thru service shall be permitted only if a satisfactory traffic pattern for the drive-thru lane can be established to prevent traffic congestion and the impairment of vehicular circulation for the remainder of the development. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.
4. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.

Section 17.20 FULL AND SELF SERVICE CAR WASHES

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare, except that it may be permissible to allow vehicles to exit from the facility onto a public alley.
2. All vehicles waiting or standing to enter the facility shall be provided off street waiting space, and no vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.
3. An on-site, fifty (50') foot long drying lane shall be required at the exit point of the car washing facility or an alternate means of collecting and drying water shall be provided.
4. A fifteen (15') foot greenbelt shall be provided between all property lines.

Section 17.21 FUNERAL HOMES

1. Sufficient off-street automobile parking and assembly area is provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area.
2. The site shall be located so as to have one property line abutting a major or secondary thoroughfare of at least 120 feet of right-of-way, existing or proposed on the township master plan.
3. Adequate ingress and egress shall be provided to said major or secondary thoroughfare.
4. No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when said property line abuts any one-family residential district.
5. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by a poured embossed brick or other approved pattern decorative concrete wall six feet in height.
6. Crematoriums shall be a minimum of five hundred (500) feet from any residential property line.

Section 17.22 GASOLINE SERVICE STATIONS

1. The site shall be located at the intersection of two (2) public roads with at least one of the roads having a proposed right-of-way of one hundred twenty (120') feet.
2. Not more than fifty (50) percent of the lots located at an intersection of any two (2) roads may be occupied by a gasoline service station.
3. The site for the gasoline service station shall have one hundred fifty (150') feet of frontage on the principal street serving the station.
4. The site shall contain an area of not less than 30,000 square feet.
5. All buildings shall observe front yard setbacks plus ten (10') feet. For purposes of this Section, gasoline pumps and pump islands shall not be considered buildings.
6. The inclusion of a drive-thru, automobile service station, car wash or similar use that requires special land use approval, shall be required to receive a separate special land use approval when proposed in tandem with a Gasoline Service Station.

Section 17.23 GENERAL HOSPITALS

1. All such hospitals shall be developed only on sites consisting of at least ten acres in lot area and provide a minimum of 1,500 square feet of lot area per bed.
2. All ingress and egress from the site shall be directly onto a major or secondary thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the township master plan, except that existing hospital facilities shall be exempt from this requirement.
3. The buildings shall maintain a minimum distance of seventy-five (75) feet to the nearest

- residentially zoned lot.
4. Ambulance delivery and service areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a poured decorative concrete wall at least six feet in height, or a berm and landscaping meeting the requirements for major screening impacts.
 5. Whenever the parking plan is designed to cause automobile headlights to be directed toward any single-family residential district within 120 feet of the parking areas, an obscuring wall, berm or landscaping may be required. Such screening would not apply to points of ingress or egress.

Section 17.24 GOLF COURSES

1. Nine-hole courses. Not less than 60 acres devoted exclusively to course use.
2. Eighteen-hole courses. Not less than 150 acres devoted exclusively to course use.
3. Location of structures. Any structures to be erected on the site shall be set back a minimum of 100 feet from any adjoining property site line.
4. Any accessory use and all of the facilities therefor which are customary and incidental to the normal golf course operation shall be permitted. Such accessory uses shall include, but not necessarily be limited to:
 - a. Bathing, tennis and lounging.
 - b. Sale and consumption of food and beverages on the premises.
 - c. Sale and rental of golfing supplies and equipment.

Section 17.25 GROUP CARE HOME (7-12 PERSONS)

1. Fencing shall be required next to residential uses or districts. All outdoor play areas shall be enclosed.
2. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
3. The proposed use, if approved, may have one (1) non-illuminated sign that complies with the Harrison Township Sign Ordinance.
4. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the anniversary of the Certificate of Occupancy.
5. All facilities must provide of proof of being registered as a residential care facility in the State of Michigan.

Section 17.26 HOME OCCUPATIONS

- A. Home occupations may be permitted in a residential district. Home offices that do not result in more traffic than is normal for residential districts shall be considered a permitted use and do not require special land use approval. All other home occupation requests shall be subject to the requirements of Section 17.26B. No person other than members of the family residing on the premises shall be engaged in such occupation.

B. Type II Home Occupation Site Requirements.

1. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and, not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation and shall be carried out completely within such dwelling.
2. There shall be no change in the outside appearance of the structure or premises or other visible evidence of the conduct of such home occupation.
3. Such home occupation shall not require internal alterations or construction, equipment, machinery, or outdoor storage not customary in residential areas.
4. No signage of any type is permitted for a home occupation business.
5. There shall be no sales of any goods, articles or services on the premises, except such as is produced by such approved home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
7. Persons with a disability applying for home occupation permits may be excused from certain provisions of this Section by the Planning Commission, based on necessity.

Section 17.27 HOUSING FOR THE ELDERLY AND SENIOR CITIZEN HOUSING

1. Density. The number of units shall not exceed twice that permitted for multi-family development in the RM district. The density shall be based on the type of dwelling and the gross site area for the proposed number of one- and two-bedroom dwelling units.
2. All dwellings shall consist of at least 500 square feet per one-bedroom unit and 650 square feet per two-bedroom unit.
3. Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such business or service use shall be visible from any exterior view. Such businesses or services shall not exceed 25 percent of the floor area at grade level.
4. All proposals for housing for the elderly shall be reviewed against the standards for such housing as published by the Michigan State Housing Development Authority [(MSHDA)]. MSHDA standards shall be used only as a general guide for the review to assure minimum adequacy and shall not limit the requirements placed on the use by the Charter Township of Harrison.

Section 17.28 JUNK YARDS

1. Such use shall be completely enclosed on all sides by a fence constructed of unpierced wood or metal vertical boards or panels not less than eight feet in height, which shall be maintained in a condition of good repair.
2. The fence required in subparagraph 1. above shall be set back not less than 25 feet from the front site line, subject to the following additional requirements.

- (a) No such fence shall be erected closer than 25 feet from the public right-of-way as shown on the general development plan of the Macomb Department of Roads.
 - (b) No such fence shall in any event be erected closer than 85 feet from the centerline of the street that the site abuts.
3. The area line between the front fence and the front site line shall be completely landscaped and maintained with grass and coniferous trees or shrubs.
4. Parking shall be permitted only within the fenced enclosure.

Section 17.29 LANDFILLS (EARTHEN ONLY)

- A. All fill operations shall be only allowed subject to the provisions of this Ordinance and subject, further, to the satisfactory preparation of the land for an approved specific land use permitted within the applicable zoning district.
- B. **Specific Requirements and Conditions.**
 1. Permitted earth landfills shall be subject to all other laws and ordinances pertaining thereto, provided such shall not be permitted in any wetland area or in any floodplain zone, except under terms and conditions of all other laws and ordinances pertaining thereto.
 2. An earthen landfill shall contain only soil free from building debris. No putrescible or manufactured inert materials may be placed in an earthen landfill.
 3. The site shall not be within 1,000 feet of a residential use.

Section 17.30 OUTDOOR CAFES

1. The Planning Commission shall determine if the area designated for an outdoor café use significantly hinders the movement of pedestrian traffic. In no instance shall an outdoor café project into the public right-of-way.
2. All such uses shall be shielded from the roadway by means of a decorative fence or wall. This fence or wall shall not exceed three (3') feet in height. It shall be constructed of the same brick as the building or decorative/simulated (pre-finished aluminum) wrought iron.
3. The Planning Commission may vary the building setback if outdoor seating areas are provided.

Section 17.31 OUTDOOR STORAGE

1. Any such use must be completely enclosed with screening in accordance with the requirements of Section 11.13 and subsection 2. below. Marinas are excluded from the provisions of this Section.
2. No storage use shall be closer than one hundred (100') feet to the outer perimeter (property lines) of the district where said property lines abut any residential district or border other than an industrial district, and such space shall be fully landscaped and fenced at the setback line. Corner lot side yards must equal the setback requirements

for the front yard on the street side as referenced herein.

3. Whenever a different material is to be stored other than what was approved in the original request, a new approval shall be required from the Planning Commission.
4. Uses expressly prohibited under this Section include the following:
 - (a) Junkyards, including used auto parts.
 - (b) Used building materials.
 - (c) Storage of combustible or odoriferous materials.

Section 17.32 PLACES OF WORSHIP

1. Minimum site shall be one acre on a continuous parcel.
2. The site shall abut a public road having a right-of-way of not less than that of a collective thoroughfare (86 feet) or the proposed right-of-way of a major thoroughfare on the township's master plan.
3. In residential zoning districts, a minimum twenty-five (25) foot wide greenbelt shall be provided around the perimeter of the property.

Section 17.33 PLANNED UNIT DEVELOPMENT

- A. **Purpose and Intent.** The Planned Unit Development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the Ordinance. The specific objectives of this Section are to:
- Require innovation in land use and variety in design, layout and type of structures constructed, while preserving the intent and integrity of the Township Master Plan.
 - Preserve significant natural resources.
 - Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
 - Require the preservation of useful open space.
 - Permit flexibility in the placement, lot area and building type regulations, while assuring the application of sound site planning standards.
- B. **General Requirements.** These Planned Unit Development (PUD) regulations shall apply to all proposed Planned Unit Development projects. Where there are conflicts between the PUD regulations and general zoning, subdivision, or other Township regulations or requirements, the PUD regulations shall apply for the project.
1. A PUD project may be permitted in any zoning district subject to Township approval.
 2. A PUD project shall follow the same public hearing procedure as a special land use.

- a. The public hearing for the proposed PUD development shall be held during the formal PUD application review phase.
 - b. A sign shall be posted by the applicant on the subject site indicating that a PUD development is proposed. Such sign shall be placed on the site at the time the formal PUD application has been submitted. The sign shall be the same size as that which is required for the posting of a sign under a rezoning request.
3. All requirements of the underlying zoning district including but not limited to, setbacks, uses and density/area regulations shall be met by the proposed PUD unless specifically waived by the Planning Commission and Township Board. In waiving these requirements the Township will, at a minimum, consider the criteria outlined in subsection C.3.
4. A parcel of land proposed for a PUD in any residential zone shall be a minimum of forty (40) acres in size. A parcel of land proposed for a PUD in any nonresidential zone shall be a minimum of five (5) acres in size.
 - a. The Planning Commission may waive the above-mentioned acreage requirement if it is found that each of the criteria listed below has been met. The determination to waive the minimum acreage requirement shall be made at the time the Planning Commission makes a recommendation to approve or deny the formal PUD application. The criteria to be considered are as follows:
 - (1) The proposed density of the PUD is generally consistent with what would be expected from a development under the conventional standards of the Zoning Ordinance.
 - (2) The proposed PUD development is consistent with the Harrison Township Master Plan.
 - (3) The property is located at the intersection of two (2) roads, or is situated in such a manner that transitional or higher intensity uses are located around the majority of the perimeter of the proposed development. For the purposes of this section, transitional uses shall include public uses, roads, utilities or other similar activities as determined by the Planning Commission.
5. A minimum of twenty-five (25%) of the net developable area of the land shall be irrevocably dedicated as open space. The dedication shall be evidenced by a recordable instrument acceptable to the Township Attorney. All undevelopable areas including open bodies of water and regulated wetlands shall not be counted towards the net developable area of land.
6. On residentially zoned properties, nonresidential uses shall not occupy an area that exceeds twenty-five (25%) of the gross acreage of the entire parcel of land.

C. **Review Procedures.**

1. *Conceptual Review.* Prior to the formal submission of a PUD application, the applicant shall submit a site plan for conceptual review. The plan shall show the entire PUD concept in schematic form, indicating generalized land use areas and their relationship to each other, circulation patterns and generalized existing site characteristics.

- a. The Planning Commission shall review the plan with the applicant, offer comments on such plan as it relates to the Township's development policies and make appropriate comments or suggestions concerning the proposed development scheme.
- b. This phase shall not be construed to require approval of the conceptual plan by the Township. Further, the conceptual plan is only intended to be used as a general guide to both the applicant and the Township.
- c. Upon completion of the conceptual review phase, the applicant may proceed with a formal submission of the PUD application, as outlined within this Ordinance.

2. *Formal PUD Application.*

- a. *Application.* The owner of the property shall submit an application for a PUD on a form approved by the Township. The application shall include all information necessary to satisfy the terms and conditions of this Section.
- b. *Development Agreement.* An application for a PUD must include a proposed development agreement for review and consideration by the Planning Commission. The final development agreement must be approved by the Township Board. The development agreement shall include, at a minimum, the following:
 - (1) The permitted uses of the property.
 - (2) The permitted density and/or intensity of the proposed use.
 - (3) Provisions for reservations or dedications of land for public purposes, if applicable.
 - (4) Terms, conditions, restrictions and requirements upon which approval is based, including phasing requirements, requirements for on-site or off-site improvements and contributions to improvements for public facilities if applicable.
 - (5) A time frame for commencement and completion of improvements associated with the PUD, including both public infrastructure improvements and internal site improvements, along with the means of insuring that all public improvements are constructed and maintained.
 - (6) A statement indicating that, except as otherwise provided by the agreement, regulations governing permitted uses of land, density, design, improvement and construction standards and specifications applicable to development of the land shall be the regulations in force at the time.
- c. *Additional Requirements.* In addition to the application requirements set forth in subsections (a) and (b), the applicant shall provide the following documents with the application:

- (1) A site plan meeting all submission requirements of Article 3, Site Plan review requirements of the Harrison Township Zoning Ordinance.
 - (a) Residential site plans shall include the street layout and the number and type of dwelling units proposed for each phase. A Yield Plan may be required by the Planning Commission to determine the number of units an applicant could achieve under the conventional standards of the Zoning Ordinance. The Yield Plan shall meet all applicable requirements of the State Land Division Act and all applicable Township ordinances. The Yield Plan shall also meet all requirements of the Harrison Township Land Division Regulations Ordinance, as applicable to the type of development.
 - (b) Non-residential phases shall include at least the building footprint, street layout, square footage of each structure, and the location and number of spaces in all parking areas.
 - (2) A development impact statement meeting the requirements of the Harrison Township Zoning Ordinance.
 - (3) A phasing plan, if applicable. Phasing shall be provided in such a manner to ensure overall compliance with the overall PUD.
 - (4) A description of all landscaping, lighting and architectural themes and materials used for each building including architectural renderings.
 - (5) A coordinated sign package.
 - (6) Legal documents in recordable form including but not limited to:
 - (a) Master Deed and Bylaws which incorporates the associations involved in the PUD and includes the following:
 - I. The establishment of voting rights within the PUD.
 - ii. Maintenance language for all common areas.
 - iii. Special assessment language as approved by the Township.
 - (b) Cross access, joint access and shared parking agreements where applicable.
 - (c) Conservation easements or other method deemed suitable to ensure the protection of open space areas.
3. *Criteria For Approval.* Upon receipt of a formal application for a PUD, the Planning Commission shall review the application to determine if the proposal meets the eight (8) standards for special land use approval outlined in Section 17.01 of the Harrison Township Zoning Ordinance. In addition to meeting these eight (8) standards, the Commission shall find that the plan addresses the following issues:

- a. A suitable development agreement has been provided outlining the specific design of the site including parking arrangement, building footprint, building design and materials, landscaping and infrastructure improvements. Said agreement provides the Township with a reasonable guarantee that what will be constructed is what has been agreed to by both the Township and the developer.
- b. The plan provides for safe, efficient, convenient and harmonious groupings of structures, uses and facilities; for appropriate relation of space inside and outside buildings to intended uses and structural features; and for preservation of desirable natural or historic features. In particular, streets, drives and parking and service areas shall provide safe and convenient on-site circulation, as well as safe and convenient access to dwelling units, general facilities and for service and emergency vehicles.
- c. The Planning Commission shall review the positive and negative impacts of the proposed PUD to determine if the development provides benefits that substantially outweigh that which would be achieved under the conventional standards of the Zoning Ordinance. The following more specific list shall also be considered by the Planning Commission. This list shall not be deemed all inclusive and should act as a guideline for applicants proposing a PUD.

(1) Residential Design

- (a) A significant amount of passive and/or active open space has been provided throughout the site. Additional consideration will be given towards the provision of open space along major roads abutting the development.
- (b) A substantial number of dwelling units within the development abut dedicated open space.
- (c) Trail ways have been located throughout the open space and link the internal sidewalk/walking path system of the housing development with the open space areas.
- (d) The development provides open space in a manner which encourages the future linkage of open space to adjacent parcels.
- (e) Dwelling units have side, rear, or alley entry garages, or other configurations not opening directly to the street.
- (f) The applicant has provided an architectural theme which promotes varied architectural designs and floor plans. Architectural features such as cupolas, dormers and gables are encouraged along with the design of porches and the use of brick and stone building materials.

(2) Commercial/Industrial Design

- (a) A compatible architectural theme has been provided that provides

- architectural treatments and maintains durable materials.
- (b) Significant landscaping/open space areas have been provided that enhance/preserve the natural environment of the area.
- (c) Appropriate buffering has been provided that complements/protects surrounding residential neighborhoods.
- (d) The buildings have been designed at such a scale that the overall character of the area has not been compromised.
- (e) Shared driveways, parking areas and connectivity between uses has been taken into account.
- (f) Parking has been provided for in the side or rear yard of the site and does not act as a focal point for development.
- (g) Pedestrian accessibility has been planned for and is an integral part of the overall design.

4. *Decision and Final Approvals.*

- a. The Planning Commission shall recommend to the Township Board approval or denial of the PUD and development agreement presented by the developer after receiving a recommendation from the Township Attorney regarding the draft development agreement.
- b. Following the review and acceptance of the development agreement by the Township Attorney and the Planning Commission, the PUD and development agreement shall be forwarded to the Township Board with the recommendations made by the Planning Commission and all Township Consultants.
- c. One (1) public hearing shall be held by the Township Board prior to making a decision. A public hearing notice of said PUD public hearing shall be given not less than fifteen (15) days before the date that the application will be considered. All properties within 300 feet of the PUD site shall also be noticed. The Township Board shall consider the comments obtained during the public hearing, as well as the recommendations of all Township Consultants and the Planning Commission in making a decision to approve or deny the PUD and development agreement.
- d. Prior to making a final decision, the Township Board may require revisions to the PUD plan and development agreement, as is deemed necessary to further the objectives of this Section.

5. *Site Plan and Amendment Procedure. Application for approval of each phase of the PUD shall be submitted and regulated under the standard site plan review process outlined in Section 3.03 and/or Section 3.04 as well as criteria a-c. outlined above in subsection 3.*

- a. Each phase of the project shall be in compliance with the approved PUD and development agreement signed and approved by the Township. The PUD and development agreement shall not be amended without a majority vote of approval by the full Township Board (4 votes), after review and recommendation by the Planning Commission. All amendments to the site plan and/or development agreement shall follow the same review procedures

- as outlined for the initial PUD approval.
- b. Development within the PUD property shall not be permitted to appeal specific standards of the Zoning Ordinance to the ZBA unless otherwise stated in the development agreement.

Section 17.34 PRIVATE CLUBS OR FRATERNAL ORGANIZATIONS

1. All such uses shall have ingress and egress directly onto a major thoroughfare having an existing or planned right-of-way width of at least 120 feet, as indicated on the master plan.
2. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the township.
3. No building shall be closer than 50 feet to any property line.
4. No such uses shall abut an existing residential district on more than one side.

Section 17.35 PRIVATE & TRADE SCHOOLS

1. A thirty (30) foot wide landscaped greenbelt shall be provided along any property line that abuts a residential zoning district.

Section 17.36 RAISING OF FUR BEARING ANIMALS INCLUDING KENNELS

Minimum site size: One (1) acre.

1. The site shall abut a roadway designated as either a regional or major thoroughfare in the Harrison Township Master Plan.
2. There shall be provided an area of at least fifty (50) square feet for each animal, including the area devoted to interior kennel space and runs.
3. All interior building areas used for the keeping of animals shall be soundproofed.
4. All animals shall be kept in soundproofed buildings between 8:00 p.m. and 8:00 a.m.
5. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200) feet to any lot line.
6. Soundproofed interior buildings shall be located at least one hundred (100) feet from any property line.
7. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals.
8. All exterior dog runs shall be screened from view by adjoining parcels and the public road.
9. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses.
10. One (1) parking space shall be provided for every five (5) kennel runs.
11. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.

Section 17.37 REFUSE DISPOSAL, RECYCLING CENTERS & TRANSFER STATIONS

1. The proposed plan of operation shall be approved by the State of Michigan, Macomb County Health Department and Township Engineer and shall be subject to all EPA standards.
2. All refuse storage, dumping and feeding shall be done within an enclosed structure.
3. All ash and other incineration by-products shall be stored in an enclosed structure.
4. Smokestacks shall be of a design and operated in a manner so as to preclude the emission of noxious odors and smoke which would interfere with the use of adjoining properties.
5. The site shall be a minimum of one thousand (1,000') feet from any residential structure.
6. All ingress and egress to incinerators shall be paved roads and driveways maintained in a dust free state.

Section 17.38 STACK IN-AND-OUT BOAT STORAGE

1. All stack storage and in-and-out boat storage, including all storage racks and access to said racks, shall be enclosed in a building. No such stack storage or access to such racks can be maintained on the grounds of the premises outside a building.
2. The stack storage building shall comply in all respects with all building, height, zoning and site plan requirements for all other buildings in the waterfront district. Specifically, no building which will be used for stack storage of any vessel shall exceed 30 feet in height.
3. In-and-out boat storage shall be prohibited unless there is on-site access for launching of the stored vessels. For the purpose of this section, the term "site" shall mean and include a single parcel of property for which a separate tax identification number exists, or any property contiguous to such parcel owned by the same person or legal entity which contiguous parcel includes on-site launching facilities. Contiguous property does not include property which is on the opposite side of the thoroughfare, trunk highway or other county road, regardless of the ownership of both parcels.
4. The number of off-street parking spaces for any building in which stack storage of vessels is allowed, shall depend on the type of stack storage utilized. There shall be separate parking requirements for inventory storage areas and berthing or in-and-out storage areas.
 - a. For buildings having berthing or in-and-out vessel storage, there shall be three-quarter parking space for each storage berth or space.
 - b. For any building which includes both in-and-out storage and inventory storage areas, the parking requirements shall be a combination of the foregoing requirements and shall be determined based upon the number of in-and-out storage berths and the total area used for inventory storage purposes.

5. There shall be posted in a conspicuous place in the storage facility, in clear view of all employees and customers of the facility, a sign of not less than 12 inches in height by 24 inches in length, listing the number of approved in-and-out berthing racks or spaces, as well as the number of racks or spaces approved for inventory storage. The lettering on said sign shall be presented in a clear and understandable fashion and shall not be less than six inches in height. At no time shall the number of boats stored in either category exceed the approved number of spaces, as posted.
6. Parking spaces and/or yard spaces on the site shall not be used for the storage of boats during the dry storage season pursuant to the provisions set during the boating season. Such parking spaces may be utilized for the storage of boats during the winter storage season pursuant to the provisions of this ordinance.

Section 17.39 TRUCK TERMINALS

1. All such uses shall be located on a parcel of land which is surrounded by abutting land zoned Industrial.
2. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20') foot wide greenbelt planting and fence or wall so as to obscure from view all activities within the development.
3. No building or part thereof shall be erected closer than one hundred (100) feet from any property line.

Section 17.41 WIRELESS COMMUNICATION TOWERS AND ANTENNAE

Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the GC, WM and Industrial Districts, when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, and/or any other materials or property in the area. Further, communication towers and facilities shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.
- B. A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted. This information shall also address the potential for the tower or other mounting structure and/or antennae to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible. In all cases, communication towers shall be designed to blend into the surrounding environment to the maximum extent feasible.

C. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the Township, co-location of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:

1. Promptly responding to any requests for information from a potential co-user of their tower/antenna;
2. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
3. Make no more than a reasonable charge for a shared use lease.

If the application involves co-location on an existing tower or structure, the public hearing requirements shall be waived and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant. Co-location may be permitted by the Planning Commission, after site plan review, on all existing towers and existing similar structures, regardless of the zoning district in which it is located.

D. Approval of a communication tower facility shall not be granted until such time that the applicant has demonstrated all of the following:

1. The proposed facility is needed because of proximity to an interstate highway or major thoroughfare, or is in proximity to areas of population concentration, or concentration of commercial, industrial, and/or business centers; or
2. The proposed facility is needed because there are areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions; and
3. The proposed facility is needed because the telecommunications provider is unable to co-locate its facility with another provider or other structure; and
4. The proposed facility is needed to complete its grid as it relates to the needs of Harrison Township and its surrounding communities, and that there are no suitable sites in any of said surrounding communities; and
5. The proposed facility is designed to operate within the requirements for radio frequency emissions of the Federal Communications Commission and applicant has operated similar facilities within these requirements consistently.

- E. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning districts in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements.
1. Towers may be located in the GC, WM and Industrial Zoning Districts after special land use approval, and provided the location of such facilities do not represent a hazard to the use and/or development of other uses on the site and in the area. The development of new towers is specifically prohibited in all other zoning districts in the Township. The Township strongly encourages the development of required towers on suitable Township property. Consult with the Township Planning Department with regard to Township property locations prior to submitting an application.
 2. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the Township, and any such tower/antenna shall not exceed one hundred fifty (150) feet in height above the average grade around the structure it is mounted upon.
 3. The tower site shall meet all Township standards relating to drainage, lighting, landscaping, general safety and other applicable standards. All landscaping shall be placed in an aesthetically pleasing and functional manner. Such landscaping shall be incorporated along access drives servicing the tower site.
 4. All communication towers and facilities shall be surrounded by a six (6') foot fence to prevent unauthorized access and vandalism, six (6') foot high evergreen trees shall be placed at intervals of ten (10') foot on center outside of said fence to screen the tower base and ancillary facilities.
 5. Lighting associated with communication towers and facilities shall comply with all applicable FAA regulations. Where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.
 6. A twelve (12') foot wide paved access road shall be provided and maintained in a good condition to provide access for service and emergency vehicles. Such access road shall meet all Township engineering design requirements.
 7. Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section. Minimum setback requirements, unless otherwise provided for, are as follows:
 - a. When adjacent to non-residential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall

also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a nonresidential zoning district may be reduced to one-half the overall height of the tower. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.

- b. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any residential district may be reduced to the overall height of the tower/antenna. In no instance shall any tower be located within a required front yard. Accessory buildings and uses shall be screened from the view of any public right-of-way and residential zoning district by an obscuring greenbelt.
- c. Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is not buildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.

8. Cellular antennae and supporting structures shall be permitted to be attached to buildings and structures in all zoning districts whether or not they are accessory to the building use, subject to the following conditions.

- a. The principal use is a conforming use and the building is a conforming structure.
- b. If connected directly to the main building, antennae may be attached to any portion of the building. Such antennae or antennae with supporting structure may not exceed twenty (20') feet in height.
- c. The structure that supports antennae may not exceed ten (10') feet in height.
- d. Such antennae with supporting structure shall not be credited to the overall height of the building.
- e. Any structure that supports antennae shall be set back from the outermost vertical wall or parapet of the building, a distance equal to at least two (2) times the height of such supporting structure.

F. In addition to site plan review, the Commission, with a majority vote, may require an independent third party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one or more of the following findings:

1. The applicant has not substantiated a need for a proposed tower to the satisfaction of the Commission.
 2. The applicant has been unable to disprove the ability to co-locate on an existing tower or structure to the satisfaction of the Commission.
 3. The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
 4. The data supplied by the applicant is determined to be disorganized, confusing or misleading by the Commission.
 5. The applicant has not substantiated that alternative technology cannot be utilized as a substitute to the proposed tower construction.
- G. All structures, buildings and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. Every telecommunication provider with sites located in Harrison shall provide the Township with an annual report disclosing the radio frequency emissions of each tower or antenna it has within the Township, and require annual inspections of radio frequency emissions of each tower or antenna by the Township to insure that they are being operated within the requirements of the Telecommunications Act of 1996. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the Township Board. The Township shall charge a fee for the annual inspection to cover its costs.
- H. A condition of every approval of a wireless communication facility shall be the adequate provision for the removal of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. For purposes of this Section, the removal of towers, antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.
- I. The applicant shall deposit with the Township, in a form which is satisfactory to the Township, a performance guarantee in an amount established by the Township Board resolution as security for the removal of the tower if abandoned for use of cellular facilities.

Section 17.42 YARD COMPOSTING FACILITIES

- A. Yard Waste Composting Facilities, those that manage the biological decomposition of organic matter under controlled, aerobic conditions and are registered with the MDEQ as a composting facility, may be permitted in Industrial districts only, subject to the issuance of a Special Land Use Permit and compliance with the following conditions and standards:

1. Only yard wastes shall be composted at such facilities, including leaves, grass clippings, brush, tree or shrub trimmings, and vegetable or other garden debris. Composting of any other compostable material shall only be permitted upon approval by the Township. Yard waste consisting of invasive species, or diseased or infested materials shall not be accepted at the compost facility. Non-compostable materials, or those incapable of decomposing naturally or of yielding safe, non-toxic end products, shall be prohibited. Examples of non compostable materials include, but are not limited to plastic, glass, textiles, rubber, metal, ceramics, styrofoam, and painted, laminated, or treated wood. Agricultural wastes, animal waste, sewage sludge, and garbage shall also be prohibited. Yard waste composting facilities shall be prohibited from receiving materials in plastic bags. The Applicant shall describe the types of material that will be accepted by the facility, sources of incoming material, and the types of containers in which materials will be accepted. When the facility is in operation, the operator shall maintain records tracking the type, origin, and volume of incoming yard wastes and of compost transferred off site each month. The above records shall be made available to the Township as well as the MDEQ.
2. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent odors which are generally agreed to be obnoxious to any considerable number of persons.
3. The site shall be gently sloped and well drained. Poned water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. Surface water drainage runoff must be controlled to prevent untreated leachate from leaving the facility and must be diverted from the compost and storage areas. Vegetation filtration of runoff prior to discharge off-site shall be accomplished by use of a 50 foot wide (minimum) perimeter strip/swale of grass, or similar measure. Detention basins may also be required following a recommendation from the Township's consulting engineer. The run-off drainage system shall be designed to accommodate an unusually long and heavy rainfall statistically shown to occur every 25 years.
4. All operational areas shall have an engineered surface placed on top of a suitable compacted subbase. Composting pads shall be designed to support heavy equipment during all seasons and to prevent ruts from forming. Pads shall be permeable enough to allow water to percolate through the soil and to avoid standing water or ponding. The composting pad shall be graded with a slope that prevents ponding yet minimizes runoff.

5. Yard waste composting facilities shall not be located in a 100-year floodplain, within 300 feet of a regulated wetland or water source, and/or within 2,000 feet from a type I or type IIA water supply well, 800 feet from a type IIB or type III water supply well or within 4 feet above groundwater. In addition such facilities shall not be location within 100 feet of a groundwater or private water well. The Applicant shall provide a map and description of local surface water features, as well as an indication of groundwater regime including water table elevations.
6. The operator shall provide sufficient equipment on-site to properly manage the composting process. As a minimum this shall include a front end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
7. The Applicant shall submit a description of naturally occurring and planned buffer areas. No compostables shall be stored within 150 feet of any boundary of a yard waste composting facility site when the adjacent property is a road right of way or not zoned Industrial. If the site abuts property with an existing residence or property shown as residential on the Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to 200 feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
8. The Applicant shall list sensitive land uses, including but not limited to schools, childcare facilities, homes for the elderly, health care facilities, and correctional facilities, within a two-mile radius of the proposed facility. The management or storage of yard clippings, compost, and residuals shall be located a minimum of 500 feet from a place of worship, hospital, nursing home, licensed day care center, or school, other than a home school.
9. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete. Internal haul roads may be unpaved unless paving is deemed necessary by the Planning Commission following a recommendation from the Township's consulting engineer. As developed, a yard waste composting facility must provide accessibility to all points of the site with a surface capable of supporting rescue equipment and emergency vehicles. Materials on site shall be arranged so as to permit easy access to all such material for fire fighting purposes.

10. The volume of yard wastes handled by the facility shall not exceed 3,000 cubic yards of incoming yard wastes per acre per year of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas. The volume of finished compost stored by the facility shall not exceed 900 cubic yards per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
11. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Township. A sign shall be posted at each entrance of the composting facility indicating the nature of activities at the facility, the facility name, operating hours, and an address and phone number for the operator.
12. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for enforcement action by the Township.
13. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. A description shall be submitted detailing the type of fencing and gates that will be used and where they will be located. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
14. A composting facility designed for anaerobic composting shall not be permitted unless otherwise approved by the Township. Yard waste composting facilities shall operate in a manner that prevents anaerobic conditions from occurring. Treated yard waste shall be actively rotated in an aerobic condition. At a minimum, rotation should be done so that the internal temperature of windrow piles does not drop below 120 degrees F or rise above 140 degrees F on a consistent basis during the decomposition process. The temperature of windrow piles shall be monitored at least twice a week and the operator shall keep a record of the temperatures taken. Windrows shall be no higher than six (6) feet and no wider than twelve (12) feet at the base. There shall be a minimum of twenty (20) feet between windrows. Limitations on windrow dimensions and distance between windrows may be modified by the Planning Commission after recommendation by the Township's consulting engineer.
15. In no instance shall yard waste accumulate on site for longer than 2 years before being finished and removed from the site. There shall be no speculative accumulation. The operator shall be responsible for maintaining the records necessary to demonstrate that speculative accumulation is not occurring.

16. The operator shall submit a management and operational plan for the facility that demonstrates compliance with this ordinance and other applicable regulations. The plan shall describe or provide information pertaining to the following: site design considerations including material flow and other procedures; the location of different activity areas (e.g., receiving, windrows, curing, screening, and load out); provisions made for removing and disposing of waste materials found in incoming materials; volume limits and where the operator will send material if site limitations are achieved; typical Carbon to Nitrogen ratios for expected materials and how the materials will be mixed to maintain reasonable ratios for successful composting; planned processing activities from receipt at the gate through until sale to a buyer; the frequency with which the yard waste will be rotated; the steps that will be taken to maintain composting materials at the appropriate moisture content and temperature; the means by which the temperature and moisture of the compost piles will be measured; the steps that will be taken to ensure that the decomposition process will be properly managed and maintained in an aerobic condition; the monitoring, record keeping, and reporting program that will be maintained; the length of time for which yard waste will remain on the site; the Applicant's staffing plan and how many people will be working on-site throughout the year; the operating staff's qualifications and what training is planned for both operations and safety; and a plan for how the operator will troubleshoot typical composting difficulties such as litter control, odor, inappropriate temperature, dust, noise, flies and pests, and neighborhood complaints.
17. A comprehensive plan for sale of finished compost shall be established. The plan shall include a description of the proposed service area or customer base for the composting facility, the beneficial uses of finished compost materials, how the operator will ensure final product quality and overall marketability, how the operator will distribute finished materials, and the quantity of materials expected to be available for marketing. Finished compost shall contain not more than 1% by weight of foreign matter that will remain on a 4 millimeter screen. Records of laboratory analysis of finished products are required per the Department of Environmental Quality.
18. The operator shall provide plans showing all equipment maintenance and storage areas. An equipment maintenance structure shall be provided on-site. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.
19. A restroom facility sufficient in size to accommodate the facility's staff and an office providing space for administrative functions shall be constructed on-site.

20. The operator shall have a plan for emergency response and shall ensure that fire fighting equipment is available at the site and that personnel have been trained in fire fighting procedures. Water equipment, such as water trucks, hydrants and hoses, or backpack spray units, is required for wetting organic material and for fire fighting purposes. Sufficient quantities of water, noncombustible soil, and earthmoving/excavating equipment or the equivalent shall be maintained on-site for purposes of fire extinguishing. Where possible, the operator shall ensure that fire protection services are available to the site through notification to local fire protection officials.
21. The Applicant shall provide a study of the impact that truck traffic associated with the facility will have on public roadways, including a description of the volume of truck traffic that will be generated, with truck traffic estimates during peak and off-peak times; the type and quantity of incoming vehicles by season; the trucks' projected routes; the current condition of affected roadways and the impact that truck traffic is projected to have on their condition; and a plan for mitigating the impacts of truck traffic on area roadways. Because of the level of truck traffic associated with this use, direct access to a paved public roadway is required.
22. All yard waste composting facilities shall be inspected several times per year based on a schedule established by resolution of the Township Board. These inspections shall be conducted by Township officials and/or consultants engaged by the Township. An inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Township Board. The operator shall pay for all inspections necessary to verify compliance with this ordinance. Township officials and/or consultants engaged by the Township shall be permitted entry to a yard waste composting facility for inspection purposes during normal operating hours to determine compliance with this ordinance and other applicable regulations. No person shall impede reasonable inspection of a composting facility by Township officials and/or consultants engaged by the Township
23. An inspection for insects, rodents, vermin, and other vectors shall be performed by a licensed pest control company at least semiannually.
24. A test shall be performed at least semiannually to ensure that on-site soils and surface waters leaving the site are not contaminated by an excessive concentration of nitrogen, phosphorus, phenols, pesticides, and/or herbicides, and to ensure that untreated leachate is not leaving the facility. Soil samples shall be taken from the windrow area and detention basin, as applicable, and surface water samples shall be taken at the outlet from the detention basin, as applicable. An outside agency not engaged by the Township, such as the Michigan Department of Environmental Quality, may perform these tests. The operator shall pay for all inspections necessary to verify compliance with this ordinance.

25. Any yard waste composting facility shall be conducted in accordance with current standards established by the United States Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality and other government regulatory agencies. Copies of all Michigan Department of Environmental Quality applications/permits, if required, shall be provided to the Planning Commission as part of the application package.
26. All internal roads and operation areas shall be kept dust free at all times.
27. Noise and vibration emanating from a yard waste composting facility shall not exceed standards established in Article XVI Performance Standards of Casco Township's Zoning Ordinance or regulations of the State of Michigan.
28. A description of the direction of prevailing winds and how the wind conditions will affect operations shall be submitted. Pile turnings shall be timed to coincide with favorable wind conditions. The operator shall not permit offensive odors to escape the boundaries of the yard waste composting facility and/or interfere with the enjoyment of adjacent properties. The operator shall submit a set of "low-odor" operating protocols and an odor response management plan that shall be employed in the event that the operator or Township receives odor complaints during operation.
29. The operator shall prevent organic material and/or other material such as debris or litter from scattering and/or blowing off the premises. If yard clippings are collected in bags other than paper bags, clippings shall be debugged by the end of each business day.
30. Yard waste composting facilities shall be operated so as to prevent the attraction, harborage, or breeding of insects, rodents, vermin, and other vectors. If insects, rodents, vermin, or other vectors are detected, appropriate measures shall be taken to capture and/or exterminate them in an environmentally safe manner.
31. The use must conform with the Performance Standards of this ordinance.
32. A description of the composting experience and qualifications of the compost facility owner and operator must be submitted with the application for site plan review. A pollution incident history must be provided for any facilities previously owned or operated by the Applicant. Disclosure of any and all lawsuits, legal actions, or regulatory actions taken against the Applicant in the last five years, and their resolutions, is required.

33. In the event that the Township retains the services of an independent compost engineer to evaluate the site plan and operation/management plan, the proposed yard waste composting facility shall comply with the conditions of the compost engineer's review. A fee to be borne by the operator for review and evaluation of the plan by an independent compost engineer shall be established by resolution of the Township Board.
34. The operator shall submit a bond, in an amount established by resolution of the Township Board, to guarantee restoration of the site in the event of abandonment and to guarantee cleanup of chemical or other hazardous spills

Section 17.43 ZERO LOT LINE

- A. If a building is to be located on the common boundary, site plan approval for such building shall not be granted unless the owner of the adjacent parcel grants the applicant a maintenance easement a minimum of five (5) feet in width and parallel to the common boundary of the properties.

Section 18.01 CREATION AND MEMBERSHIP

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 110, Public Acts of 2006, as amended. The Zoning Board of Appeals shall consist of five (5) members and two (2) alternates as follows:

- A. The members of the Zoning Board of Appeals shall be selected by the Township Board at a regularly called meeting. The Township Board shall appoint one (1) member of the Planning Commission to the Zoning Board of Appeals. The remaining members shall be selected and appointed by the Township Board from the electors of the Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) regular or alternate member of the Zoning Board of Appeals shall be a member of the Township Board, but shall not serve as chairperson of the Zoning Board of Appeals.
- B. The Township Board shall appoint two (2) alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called as specified in the zoning ordinance to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.
- C. The terms of office for members appointed to the Zoning Board of Appeals shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.
- D. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
- E. A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- F. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.
- G. A member of the Zoning Board of Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties, as established by the Township Board.

Section 18.02 JURISDICTION

- A. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The Zoning Board of Appeals shall hear and decide appeals from any administrative order, requirement, decision, or determination made by any Township administrative official or body charged with enforcement of the Zoning Ordinance. The Zoning Board of Appeals shall also hear and decide on matters referred to it by any Township administrative official or body charged with enforcement of the Zoning Ordinance.
- B. The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in this Ordinance.
- C. The Zoning Board of Appeals shall not consider use variances.
- D. The Zoning Board of Appeals shall not consider variance requests for PUD or Special Land Use standards after an approval or denial from the Planning Commission has been granted.
- E. The Zoning Board of Appeals shall interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this Ordinance.
- F. In consideration of all appeals and all proposed variations of this Ordinance, the Zoning Board of Appeals shall, before making any variations from the Ordinance in a specific case, first determine that the reason for the proposed variation is consistent with all of the accepted standards of practical difficulty.

Section 18.03 MEETINGS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as such Board may determine or specify in its rules of procedure. All Zoning Board of Appeals meetings are subject to the Open Meetings Act. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the Office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Building Official or Planning Commission, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 18.04 APPEALS PROCEDURES

These procedures are instituted to hear and decide appeals from and review an order, requirement, decision or determination made by an administrative official or commission charged with the administration or enforcement of the Township Zoning Ordinance. An appeal shall be filed with the officer or commission from whom the appeal is taken and with the Zoning Board of Appeals specifying the ground for the appeal.

- A. The applicant shall file with the Zoning Board of Appeals, in writing or on forms furnished by Township, giving notice of appeal and specifying the grounds for appeal within twenty (20) days of the ruling.
- B. An application for the approval of a variance shall be made by an owner of an interest in the site to the Township Planning Coordinator, accompanied by the necessary fees and documents, as provided in this Ordinance.
- C. The application shall be accompanied by a site plan drawn at a legible scale and placed on a standard sheet and containing the following information:
 - 1. Dimensional elements for which a variance is requested.
 - 2. Dimensional relationships of the subject lot to the structure on all adjacent lots.
- D. The application shall be accompanied by an affidavit by the applicant explaining:
 - 1. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
 - 2. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
 - 3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - 4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 - 5. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
- E. The Township shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- F. An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the Township certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.
- G. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than forty-five (45) days after receipt of the application by the Township and hear and question any witness appearing before the Board.

- H. The Township shall provide notice of this public hearing for each variance request in accordance with Act 110 of 2006.
- I. The Board shall not approve an application for a variance unless it has been found positively that:
 - a. The strict enforcement of the Zoning Ordinance would cause practical difficulty and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
 - b. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
 - c. The conditions and circumstances unique to the property were not created by the owner, applicant, or predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - d. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.
 - e. The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.
 - f. The requested variance will not adversely affect the purpose or objectives of the Master Plan of the Township of Harrison.
 - g. If an application for a dimensional variance is made while the subject property is affected by eminent domain under MCL §213.54, the Zoning Board of Appeals may also consider the potential benefit of the public use for which the property is being acquired.
- J. The Building Official shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.



Section 19.01 ADMINISTRATION & ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Township Board through the Building Official or any other employees, inspectors and officials as the Township Board may delegate to enforce the provisions of the Ordinance.

Section 19.02 DUTIES OF BUILDING OFFICIAL

The Building Official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises to carry out his/her duties in the enforcement of this Ordinance. The Building Official shall not have the authority to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. The Building Official shall require that every application for a zoning compliance permit for excavation, construction, moving, alteration, or change in type of use or the type of occupancy be accompanied by a written statement and plans or plats drawn to scale, in triplicate, and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed work or use is in conformance with this Ordinance:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The signature of the permit holder or owner of the premises concerned.
5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the provisions of this Ordinance, the Building Official shall issue a zoning compliance permit. If any application for such permit is not approved, the Building Official shall state, in writing on the application, the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.

Whenever an application for a building permit and/or zoning compliance permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Building Official shall not issue such permit unless the Macomb County Health Department shall have approved the site for the construction of such facilities. The Building Official under no circumstances is permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance to any person making application to excavate, construct, remove, alter or use either buildings, structures or land within the Township. The Building Official shall have the authority to adopt policies and procedures in order to clarify the application of its provisions. Such policies and procedures shall be in conformance with the intent and purpose of this Ordinance. The Building Official shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

Section 119.03 PERMITS

The following shall apply in the issuance of any permit:

A. Permits Required.

It shall be unlawful for any person to commence excavation for, or construction of, any building or structure, structural changes, repairs in any existing building or structure, or moving of an existing building without first obtaining a zoning compliance permit and a building permit from the Building Official. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and the Building Code.

No plumbing, electrical, drainage or other permit shall be issued until the Building Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance. "Alteration" or "repair" of an existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

B. Permits for New Use of Land. A zoning compliance permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

C. Permits for New Use of Buildings or Structures. A zoning compliance permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

D. The Building Official is authorized to grant permit extensions at his/her discretion, one or more extensions of time for additional periods not exceeding 180 days in each. The extensions shall be requested in writing prior to the expiration date and justifiable cause demonstrated. Expired permits cannot be given extensions or renewed and will be cancelled; However, a new permit may be issued at a reduced price to the original permit holder. The request to extend the permit shall not be construed as an automatic renewal. Permit are non-transferable. Work done without a valid permit shall be subject to penalties as prescribed by law.

Section 19.04 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved until the Building Official shall have issued a certificate of occupancy or certificate of compliance stating that the provisions of this Ordinance have been complied with.



- A. Certificate Validity. The certificate of occupancy as required for new construction of or renovations to existing building and structures in the Building Code shall also constitute certificates of occupancy as required by this Ordinance.
- B. Certificates for Existing Buildings. Certificates of occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than ninety (90) days, unless a written extension request is received for justifiable cause prior to the expiration, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided, further, that such portions of the building or structure are in conformity with the provisions of this Ordinance
- C. Temporary Certificates. Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than ninety (90) days, unless a written extension request is received for justifiable cause prior to the expiration, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided, further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- D. Records of Certificates. A record of all certificates of occupancy shall be kept in the office of the Building Official, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- E. Certificates for Accessory Buildings to Dwellings. Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot, when such accessory buildings or structures are completed at the same time as the principal use.
- F. Certificates. Certificates of occupancy or certificates of compliance shall be applied for in writing. The certificate shall be issued within a reasonable time and after verification of all township permits have been finalized, site plan work is completed and all other governmental agencies have finalized their permits. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within a reasonable time.

Section 19.05 FINAL INSPECTION

The recipient of any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit for a final inspection.

Section 19.06 AMENDMENTS AND CHANGES

Amendments to this Ordinance may be made from time-to-time in the manner provided in Act 110 of the Michigan Public Acts of 2006, as same may now or hereafter be amended, and in accordance with the initiatory procedure set forth hereinafter. Amendments may be initiated by the Township Board upon written request to the Planning Commission, or the Planning Commission may initiate amendments upon its own motion. Any person, firm or corporation affected by the provisions of this Ordinance may initiate an amendment hereto by submitting the necessary forms, obtainable from the Township, to the Township Clerk. The petition shall be processed according to the procedures adopted by the Township.

Section 19.07 FEES

The Township Board shall establish, by resolution, fees for each of the following:

- A. Inspection and Certification. Fees for inspections and the issuance of permits or certificates, or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer in advance of the issuance of such permits or certificates.
- B. Appeals. Any person appealing under Article 17 of this Ordinance in all cases shall pay the established fixed fee, plus such additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.
- C. Reviews. Fees for the review of site plans, special approval land uses or other matters requiring Township Board, Planning Commission or the Zoning Board of Appeals review, under the terms of this Ordinance, shall be paid to cover the cost of such reviews, including notice, publication, delivery, administration and professional services.
- D. Rezoning. Any petition for the rezoning of land requiring an amendment of the Harrison Township Zoning Ordinance shall be accompanied by a fee payable by the petitioner. Said fee shall be utilized to defray all costs, including necessary expert opinions in conjunction with the legislative review of the petition.
- E. Other. Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the Township Board, Planning Commission, Zoning Board of Appeals or Building Board of Appeals shall be paid by the recipient or applicant prior to said resolution or meeting.
- F. Waivers. The Township Board may waive payment of any fees established by resolution when it finds that the necessity for an appeal, variance and/or rezoning is the result of an error or omission by the Township Board in enactment of this Ordinance.

Section 20.01 ESTABLISHMENT

There shall be a Charter Township of Harrison Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et. seq. hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided and a staffed Planning Department. This ordinance shall be officially known and described as the "The Charter Township of Harrison Planning Commission Ordinance."

Section 20.02 MEMBERSHIP

- A. The Commission shall consist of seven (7) members appointed by the Charter Township of Harrison Board of Trustees. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
 - 1. Shall be a qualified elector of the Charter Township of Harrison, except that one member may be a non-qualified elector;
- B. Members shall be appointed for three-year terms. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of $\frac{1}{3}$ of all commission members continue to expire each year.
- C. One member shall also be a member of the Charter Township Board of Trustees, whose term of office shall coincide with his or her elected term of office on the Township Board of Trustees. The Board liaison shall not serve as chair.
- D. The membership of the commission shall be representative of the important segments of the community, such as the economic, governmental, educational, neighborhoods and social development of the Charter Township of Harrison, in accordance with the major interests as they exist in the Township as follows:
 - 1. Agriculture;
 - 2. Natural resources;
 - 3. Recreation;
 - 4. Education;
 - 5. Public health;
 - 6. Government;
 - 7. Transportation;
 - 8. Industry;
 - 9. Commerce;
- E. The membership shall also be representative of the entire geography of the Charter Township of Harrison to the extent practicable, and as a secondary consideration to the representation of the major interests.

Section 20.03 REMOVAL FROM OFFICE

- A. The Charter Township of Harrison Board of Trustees may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Charter Township of Harrison Board of Trustees.

Section 20.04 VACANCIES

The Charter Township Board of Trustees shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

Section 20.05 COMPENSATION

All members of the Planning Commission shall serve as such with compensation as determined by the Township Board.

Section 20.06 MEETINGS

The Commission shall meet at least quarterly and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.

The affirmative vote of $\frac{2}{3}$ of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any Master Plan or amendment to a Master Plan.

Section 20.07 POWERS AND DUTIES

The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et seq.; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.).

Section 21.01 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The term “lot” includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
- G. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- H. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- I. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions “and”, “or”, “either...or”, the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions or events shall apply but not in combination.
- J. Terms not herein defined shall have the meaning customarily assigned to them.

Section 21.02 DEFINITIONS

Abandon. To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting. Having a common border with or being separated from such a common border by, a right-of-way, alley or easement.

Accessory building (accessory structure). A building or structure detached from, but located on the same lot as the principal structure, the use of which is clearly incidental, customary, and subordinate to that of the principal structure.

Accessory use, or accessory. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related. When “accessory” is used in this text, it shall have the same meaning as accessory use. An accessory use includes, but is not limited to, the following:

- a. Swimming pools for the use of the occupants of a residence or their guests.
- b. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
- c. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- d. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- e. Accessory off-street parking spaces, open or enclosed, subject to the off-street parking regulations for the district in which the lot is located.
- f. Uses clearly incidental to a main use, such as, but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- g. Accessory off-street loading, subject to the off-street loading regulations for the district in which the lot is located.
- h. Accessory signs, subject to the sign regulations for the district in which the lot is located.

(NOTE: The storage of boats, vehicles, recreation equipment in excess of size or number of those commonly associated with residential uses in the district will not be considered accessory.)

Adult arcade. Means any place to which the public is permitted or invited, wherein coin-operated, slug-operated, or for compensation, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video screens, videotape decks, computer screens, or other image-producing devices are maintained to show images to five (5) or fewer persons at a time and where the images so displayed are distinguished or characterized by the depicting or describing of “specific sexual activities” or “specified anatomical areas”.

Adult book store, adult video store or adult novelty store. Means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form or consideration, any one or more of the following:

1. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”, or
2. Instruments, devices, or paraphernalia, which are designed for use in connection with “specified sexual activities.” Condoms and clothing articles are excepted.

Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specific anatomical areas” and still be categorized as “adult book store” or “adult video store”. Such other business purposes will not serve to exempt such commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing “specified sexual activities” or “specified anatomical areas”. For purposes of video cassettes or films which are X-rated or of substantially equivalent content of X-rated films, shall be considered to depict or describe “specified sexual activities” or “specified anatomical areas” notwithstanding anymore restrictive definition set forth herein.

Adult Cabaret, non-liquor establishment: Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which does not furnish or serve alcoholic beverages or permit the consumption of alcoholic beverages which permits any of the following:

1. Persons who appear in a state of nudity or semi-nudity, or
2. Live performances characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or
3. Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult Cabaret-liquor establishment: Means a nightclub, bar, restaurant or similar commercial or non-commercial establishment which serves, furnishes or permits the consumption of alcoholic beverages which permits any of the following:

1. Persons who appear in a state of nudity or semi-nudity, or
2. Live performances characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or

3. Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”.

Adult motel. Means a hotel, motel, or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right of way advertising the availability of this type of photographic reproductions; or
2. Offers a sleeping room for rent for a period that is less than eight (8) hours.

Adult motion picture theater. Means a commercial establishment where for any form of consideration films, motion pictures, video cassettes, or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

Adult theater. Means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.

Airport. Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alteration. Any change, addition, or modification in construction, type of occupancy or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

Antenna. A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure including, but not limited to, amateur radio antennas, television antennas and satellite receiving dishes. (Also see satellite dish antenna)

Architectural features. Architectural features of a building shall include cornices, eaves, gutters, projections, extensions, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Automobile heavy repair garage. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service (such as body, frame or fender straightening and repair), overall painting, and vehicle rust-proofing.

Automobile wrecking yard. The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two or more motor vehicles, which, for a period exceeding 30 days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard. (Also see junkyard)

Basement (cellar). A basement is that portion of a building partly below grade, but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five feet or more, such areas shall be considered as a story.

Bed and breakfast establishment. An owner-occupied dwelling unit that contains no more than three guest rooms where lodging, with or without meals, is provided for compensation.

Bedroom. A room in a dwelling unit planned and intended for sleeping, separable from other rooms.

Berm. An earthen mound graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or other barrier to the continuity of development or corporate boundary lines of the municipality.

Boat house. A boat house is a structure with sides for the storage, shelter and simple routine maintenance of a privately owned boat, and not used to serve the public for revenue, public storage or maintenance purposes, as distinguished from a boat shelter which contains no sides.

Boat livery. Any structure, site, or tract of land utilized for the storage, servicing or rental of boats and/or the sale of hunting and/or fishing tackle, equipment, baits, etc.

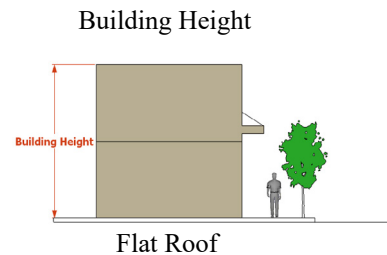
Boat, recreational. Any vessel used primarily for non-commercial use or leased, rented, or chartered to another for the latter's noncommercial use.

Buffer (screening). A landscaped area intended to separate and/or partially obstruct the view of two adjacent land uses or properties from one another. If the buffer area is to act as a screen, then fences, walks, berms, trees or shrubs may be required on the strip of land.

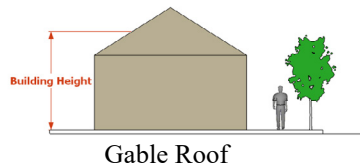
Building. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure. This shall include tents, awnings or vehicles situated on private property and used for the purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building, apartment. A building containing three or more dwelling units whose entrances are from a common hallway or series of hallways or porch.

Building height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck lines of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; or to a point equivalent to the foregoing on any other roof. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

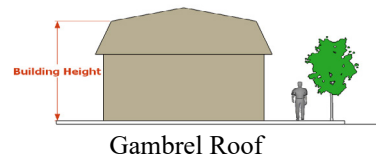


Building, main or principal. A building in which is conducted the principal use of the lot on which it is situated.



Building, multiple family. A building containing three or more dwelling units.

Building official. The building official of the township or their authorized representative.



Building permits. A building permit is the written authority issued by the building official permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this ordinance (zoning compliance permit).

Building, single-family. A detached building designed or occupied exclusively by one family.

Building, temporary. A structure without a permanent foundation, erected or devoted to the development of, or in connection with, the principal use for a limited period of time.

Building, two-family. A detached building designed for or occupied exclusively by two families living independently of each other, such as a duplex dwelling unit.

Canal. An artificially constructed or excavated channel used for navigation purposes or boat docks and as a means of ingress or egress to other bodies of water or for building lots on the banks thereof shall be known as a canal.

Carport. A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

Carry-out restaurant. See Restaurant, fast-food.

Church or place of religious worship. An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word “church” shall not include or mean an undertaker’s chapel or funeral building.

Clinic. A place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

Club, lodge or fraternity. An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

Commercial use. An occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

Commission. The word “commission” shall mean the Harrison Township Planning Commission.

Condominium.

- Condominium Act means Act 59 of 1978, as amended.
- Condominium Subdivision Plan means the site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review.
- Condominium Unit means that portion of the condominium project designs and intended for separate ownership and use, as described in the master deed.
- Master Deed means the condominium document recording the condominium project as approved by the Township. The documents include attached exhibits of the approved and constructed condominium subdivision plans and the bylaws, either directly or by reference.

Conservation easement. An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

Convalescent, Nursing, or Foster Care Homes are buildings with sleeping rooms where persons are housed or lodged, provided meals and receive nursing and medical care.

Court. An open space on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. A court shall be unoccupied, except as otherwise herein provided.

Deck. A platform structure more than eighteen (18") inches above the established grade.

Density. Density does not guarantee any specific number of units or lots for any individual parcel or group of parcels. It is the number of units or lots that could be developed while meeting all of the criteria and regulations applicable to conventional subdivision development.

Development. The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, fill or land disturbance; and any use or extension of the use of land.

District (zoning district). A portion of Harrison Township that certain uses of land and buildings are permitted within, and which certain regulations and requirements of this ordinance apply on a uniform basis.

Drive-in establishment. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters).

Dwelling unit. A dwelling unit is any house or building, or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building, not including mobile homes, be considered a dwelling unit.

Easement. The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

Efficiency unit. A dwelling unit consisting of one room, exclusive of bathroom and kitchen.

Erected. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

Establishment. As applied for adult uses, means and includes any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
2. The conversion of an existing business, whether or not sexually-oriented, to any sexually-oriented business;
3. The addition of any sexually-oriented business to any other existing sexually-oriented business; or
4. The relocation of any sexually-oriented business.

Escort. Means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. Means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

Essential services. The term “essential services” means the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commissions. Such facilities, both above and below ground, including storage fields and high pressure mains designated to serve users principally outside of this municipality and immediate surrounding territory, shall not be considered essential services under this definition. The term includes those facilities designed and located to serve Harrison Township residents.

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Family. One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family. Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, non-profit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

Family member. For the purpose of determining eligible resident or owner family member, family shall include only persons related by genetics, adoption or marriage.

Farm. The term “farm” shall include the carrying on of any agricultural activity or the raising of livestock as a source of income.

Fast-food restaurant. See restaurant, fast-food and restaurant, drive-in.

Fence. Any man-made barrier or structure (including a hedgerow) of any material or combination of materials erected to enclose, separate, or screen areas of land.

Flea market. An occasional or periodic sales activity within a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Floor area, gross (for the purpose of computing parking). Is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher (see "basement" definition). "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet ten inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

Floor area, residential. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating (2) two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Foot candle. The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one square foot in area on which there is a uniformly distributed flux of one lumen, or the illumination produced on a surface all points of which are at a distance of one foot from a directionally uniform point source of one candela.

Frontage. The width of the lot measured at the required building line or minimum front yard setback from the right of way of the abutting street or road.

Funeral home. A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns and other related funeral supplies; and d) the storage of funeral vehicles; but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

Garage, private. An accessory freestanding building or accessory portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature, having capacity for not more than three automobiles.

Garage, public. Any building or premises, other than a gasoline filling station, used for housing or care of more than three automobiles, or where any such automobiles are equipped for operation, repaired, or kept for remuneration, hire or sale.

Garage, storage. Any premises, except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

Gasoline self-service station. An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Grade. The ground elevation established for the purpose of regulating the number of stories and height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building. Grade in no instance shall be less than current U.S.G.S. 100-year flood elevation datum established by FEMA (see the definition of “story” for illustration).

Grade, building. The finished grade at the building shall be the building grade.

Greenbelt (also Screening) . A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance.

Gross floor area. The total area of a building measured from the interior of all outside walls thereof and including all levels.

Gross site area. The total site area under the ownership of the applicant before any deductions are made for roads, easements, open space, parcels to be separated or planned for later development, and the like.

Group “C” cabaret. A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

Group day-care. A private residence where care, protection and supervision are provided for a fee to at least seven and no more than 12 adults or children, including children of the adult provider.

Hazardous substances. Hazardous substances include hazardous chemicals, as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials, as defined by the U.S. Department of Transportation; critical materials and polluting materials, as defined by the Michigan Department of Natural Resources; and hazardous waste, as defined by the Michigan Department of Natural Resources.

Home occupation. An activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental, subordinate, and customary to the use of the dwelling unit for residential purposes and is such that it does not generate additional vehicular traffic to or from the location.

Hospital. A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for in-patient and out-patient services provided by the hospital including but not limited to such related facilities as laboratories, out-patient departments, physical therapy, medical records, central service facilities, physician, and staff offices.

Hotel. A series of attached, semi-detached, or detached rental units which provide overnight lodging and are offered to the public for compensation. Hotels may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Household pet. Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds and domestic rodents.

Impervious surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to water infiltration. It includes surfaces such as limerock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

In-out boat storage. See Stack storage.

Junk. For the purpose of this ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

Junkyard. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard” includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel, commercial. Any lot or premises on which four (4) or more dogs, cats or other household pets over six (6) weeks old are either boarded, bred, or sold.

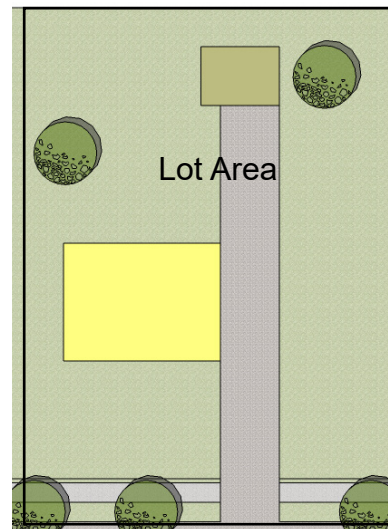
Loading space. An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot area. The total horizontal area within the lot lines of a lot.

Lot, Substandard. A lot or parcel of land that has less than the minimum required area, depth, or width as established by the Zoning District where it is located, and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.

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

- **Front lot line.** In the case of an interior lot, is that line separating said lot from the street. In the case of a through lot, is the line separating said lot from either street.
- **Rear lot line.** That lot line opposite the front lot line.
- **Side lot line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line.



Lot of record. A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by township or county officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Major thoroughfare. An arterial street which is intended to serve as a large volume trafficway for both the Township and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term on the thoroughfare plan to identify those streets comprising the basic structure of the thoroughfare plan.

Marina. A boat basin with facilities for berthing and securing all types of recreational craft, as well as providing supplies, provisions and service facilities.

Master plan. The township's basic land use plan prepared in accordance with the Michigan Planning Enabling Act (PA 33 of 2008), including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the planning commission.

Mezzanine. An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story (see the definition of "story" for illustration), with a clear height of seven (7') feet and six (6") inches, excluding obstructions.

Mean grade. Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100') feet apart.

Manufactured home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Recreation vehicles are not manufactured homes.

Manufactured Housing Community. A parcel or tract of land under the control of a person upon which two or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Public Act 419 of 1976 , as amended.

Medical Marijuana Dispensary, Compassion Center or similar operation for the consumption of medicinal marijuana is any facility or location where medical marijuana is grown or possessed for the purpose of distributing to a registered primary caregiver who does not reside at the location where the medical marijuana is grown, cultivated, or possessed, or any facility or location where medical marijuana is grown, processed, possessed or where a means is provided for the purpose of distributing or facilitating the distribution of medical marijuana to more than a cumulative total of five (5) qualified patients.

Motel. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater to the public traveling by motor vehicle.

Municipality. The Charter Township of Harrison.

Nonconforming building. A building, or portion thereof, lawfully existing at the effective date of this ordinance, or amendments thereto, and that does not conform to the provisions of this ordinance in the district in which it is located.

Nonconforming use. A use which lawfully occupied a building or land at the effective date of this ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Nude model studio. Means any place where a person appears in the state of nudity or displayed specified anatomical areas to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.

Nudity or state of nudity. Means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, the showing of the female breasts with less than a fully-opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

Nuisance. The word “nuisance” shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this ordinance, nuisances and all such nuisances are hereby declared illegal.

Nuisance factors. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

Nursery, plant materials. A space, building or structure for the cultivation or storage of live trees, shrubs or plants offered for sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Nursing home (also convalescent or rest home). A home, whether operated for profit or not, for the care of the aged, infirmed, or those suffering from bodily disorders, wherein seven (7) or more persons are housed or lodged and furnished with nursing care.

Nursery school, day school, child care center. An establishment wherein thirteen (13) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation channel rectification, bridge conduit, culvert, building, wire, fence, rock gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupancy load. The number of persons that a building can hold, as determined by the fire marshal or as indicated by the building code.

Occupied. The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-street parking lot. A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit, for the parking of more than two automobiles.

Open air business uses. Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include, but not be limited to, the following uses: Bicycles, trailers, mobile homes, motor vehicles, farm implements, boats, or home equipment sale or rental services.

Open space. Land used for recreation, resource protection, amenity and/or buffers. If any area of a lot is part of an existing or future road or right-of-way it shall not be counted as constituting open space.

Open space, common. Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

Outdoor storage. The keeping, in an unroofed area, of goods, junk material, merchandise, boats or vehicles in the same place for more than twenty four (24) hours.

Parcel/Site. A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Parcel of record. A parcel of record is an area of land described by metes and bounds and which is not necessarily a lot of record in a subdivision plat.

Park. Any public or private improved land available for recreational, educational, cultural or aesthetic uses, or land preserved for scenic purposes.

Parking space. An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the storage or parking of permitted vehicles. Tandem parking stalls in single-family and multiple-family residential uses (in garages or driveways) shall be considered to be fully accessible for the purpose of this definition.

Paved Surface. A level horizontal surface covered with a hard material such as asphalt, concrete, brick, or similar hard and solid material, for the purpose of walking, driving, or parking.

Performance guarantee (also maintenance guarantee). Any security accepted by the township in the form of cash, certified check, or certificate of deposit endorsed to the township, provided that the township shall not surcharge more than ten (10%) percent of the total performance costs to ensure that all improvements, facilities or work required by this ordinance will be completed in compliance with the ordinance, regulations, and the approved plans and specifications of a development.

Person. Means any individual, proprietorship, partnership, corporation, association, or any other legal entity.

Planned unit development (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Porch, open. A covered entrance to a building or structure which is unenclosed, except for columns supporting the porch roof, and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal building. A building in which the principal use of the lot on which the building is located is conducted.

Principal use. The main use of land or structures, as distinguished from an accessory use.

Privacy Fence. Privacy fencing is the use of fences to protect privacy, usually by preventing outsiders from seeing onto the property. They can be made of concrete, block, wood, assembled elements of landscape material, such as bushes, plants and evergreens, or a combination of any of the stated

Private drive. A means of vehicle access serving one property or one dwelling.

Private launching ramp. A space or structure from which a boat may be launched for the use and benefit of the patrons of the waterfront marina or boat yard wherein said boats are berthed or docked.

Private street or road. A street or road serving two or more parcels of land which the landowners of property served by the private road are responsible for its maintenance and which conforms to all requirements of the Harrison Township Engineering Standards Ordinance.

Public launching ramp. A space or structure at which a boat may be launched by the general public, the patrons of which do not berth their boats at the site of launching, but remove them by trailers or other means at the end of each trip.

Public utility. Any persons, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, sanitary sewers, steam, communications, telegraph, transportation or water services. The term includes those facilities designed and located to serve Harrison Township residents.

Recreation vehicles. Means vehicles primarily designed for recreation, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, in accordance with Act 419 of Michigan Public Acts of 1976 as amended. Recreational vehicles shall include such things as motor homes, truck campers, travel trailers, a folding camper trailer, off road vehicles, ATV's or other portable units including: boats, boat trailers and snowmobiles and their associated utility trailers.

- a. **Boat or Personal Watercraft** shall mean a vessel that requires registration from the Secretary of State for traveling in or on water including a unit powered by sail or motor.
- b. **Snowmobile** shall mean a motor driven vehicle designed for travel primarily on snow or ice, of a type which utilizes sled-type runners or skis and endless belt tread, or any combination of these, or other similar means of contact with the surface on which it is operated.
- c. **Utility Trailer** shall mean a vehicle without motor power, designed to be drawn by a motor vehicle, to be used for carrying property including but not limited to, a boat, snowmobile, ATV, or other equipment for recreational, camping or travel use.

Recycling center. A facility where recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or bundled, essentially by hand within a completely enclosed building.

Recycling collection point. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

Regulatory flood protection elevation. The elevation to which uses regulated by this ordinance are required to be elevated or flood-proofed.

Repairs. The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

Restaurant. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant, drive-in. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption on or off the premises.

Restaurant, fast-food. Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings, for consumption either in the building or for carry-out, and where either: 1) foods, frozen desserts or beverages are usually served in disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through

service facility or offers curb service.

Right-of-way. The right-of-way line shall be the line established by the Road Commission of Macomb County or the Michigan Department of Transportation in their right-of-way requirements established for Harrison Township or the Township's adopted Master Plan.

Roadside stands. A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district land which would otherwise be a residential district, nor shall its use be deemed an approved commercial activity.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1-, 2- or 3-bedroom units and including a "den", "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Secondary road. A road that conducts and distributes traffic and carries through-traffic as a lower order major thoroughfare to major activity centers.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques may include one or a combination of fences, walls, hedges, berms or other features of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

Semi-nude: Means a state of dress in which clothing covers no more than the genitals, anus, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.

Sexual encounter center. Means of business or commercial enterprise that as one of its principal business purposes offers for any form of consideration:

1. Contact in the form of wrestling or tumbling between semi-nude or nude persons of the same or opposite sex; or
2. Physical contact between male and female persons and/or persons of the same sex, where one or more of the persons is in a state of nudity and the contact includes actual or simulated specified sexual activity.

Sexually-oriented business: Means any of the following:

1. "Adult arcades";
2. "Adult book stores and adult video stores";
3. "Adult cabarets";
4. "Adult motels";
5. "Adult motion picture theaters";
6. "Adult theaters";
7. "Escort agencies";
8. "Nude model studios";
9. "Sexual encounter centers";

10. Other similar uses.

Special land use. A land use or an activity that, under certain circumstances, might be detrimental to other permitted uses and should not be permitted as a right in a given zoning district, but which use can be permitted under circumstances unique to the proposed location and subject to conditions, acceptable to the Township, which provide protection to land uses.

Specified sexual activities:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified anatomical areas:

- A. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stack storage (“in-and-out” boat storage). The dry storage of any vessel for any purpose (whether during the wet or dry storage season) in a vertical fashion in or on any type of rack, cradle, or held by any sling system in a multi-tiered configuration, or by any other means or any other system utilized for the stacking or vertical storage of boats.

State equalized valuation. The value shown on the township’s assessment roll as equalized through the process of state and county equalization.

Story. That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above it. A “mezzanine” shall be deemed a full story when it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty four (24’) feet or more.

Story, half. An uppermost story lying under a sloping roof, having a floor at an elevation above the eaves of that same roof. Any area of this story used for finished living space shall be at least 200 square feet, with a clear height of seven feet six inches. For the purposes of this ordinance, the usable floor area is only that area having at least four feet clear height between the floor and ceiling.

Structure. Anything constructed or erected on the ground or attached to the ground, including, but without limitation to principal and accessory buildings.

Structural alteration. Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

Temporary use or building. A use or building permitted to exist during periods of construction of a principal building or use, or for special purposes as allowed by this chapter.

Tents. Tents as used in this ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

Township Board. The Township Board of the Charter Township of Harrison.

Tree canopy. The area of land where the outermost limits of the branches of a tree or group of trees projects perpendicularly to the existing grade of a site.

Use. It is the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

Variance. A relaxation by the zoning board of appeals of the dimensional regulations of the zoning ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this code would result in a practical difficulty.

Vertical projection. Any architectural feature which projects into the yard space from the ground up through the first story.

Veterinarian clinic. A place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or minor surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Walls, obscuring. A decorative obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

Warehousing and distribution. A use engaged in storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Woodland or woodlot. A tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

Zero lot line. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning district. A portion of the territory of the township, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are permitted, and within which certain yards and open spaces are required and certain height limits are established for buildings.

Zoning Board of Appeals. The words "board of appeals" shall mean the Harrison Township Zoning