

HARRISVILLE TOWNSHIP ZONING ORDINANCE

Harrisville Township

Alcona County

Michigan

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Adopted

January 14, 2014

By

Resolution # 11414 - Ordinance # 11414

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HARRISVILLE TOWNSHIP ZONING ORDINANCE

The Township of Harrisville ordains:

TITLE

AN ORDINANCE to establish zoning districts and provisions governing Harrisville Township, Alcona County, Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943, as amended; and to provide for amendments, non-conforming uses and a Board of Appeals and for the administration of the Ordinance.

ARTICLE ONE - PREAMBLE

SECTION 1.01 PURPOSE

The primary purpose of this Ordinance is to promote the public health, safety, morals and general welfare, to encourage the uses of lands in accordance with their character and adaptability and to limit the improper use of land, to avoid the overcrowding of population, to provide adequate light and air, to lessen congestion of the public roads and streets, to reduce hazards to life and property, to facilitate adequate provisions for sewage disposal, safe and adequate water supply, education, recreation and other public requirements.

SECTION 1.02 LIMITATIONS OF ORDINANCE

1.02A Existing Use of Lands, Building and Structures

At the discretion of the property owner, the lawful use of any land or premises, and of any building or structure as existing and lawful at the time of enactment of this ordinance may be continued although such use may not be in conformity with the provisions thereof.

1.02B Exemption of Accessory Buildings and Structures

The provisions of this ordinance shall not apply to the construction, repair or use of accessory farm buildings and structures when erected on any farm and used for customary farm purposes, provided, however, that no building or structure other than open fences through which there is clear vision shall hereafter be erected, maintained or moved less than forty (40) feet, any abutting highway right-of-way line or property line. If said farm building or structure opening is towards the road, the setback requirements shall be a minimum of seventy-five (75) feet from any butting highway right-of-way line or property line.

ARTICLE TWO - DEFINITIONS

For the purpose of this Ordinance, the following terms are herewith defined:

ACCESSORY BUILDING OR STRUCTURE

A supplemental building or structure on the same premise as the main building occupied by, or devoted exclusively to an accessory use, but not including for dwelling, lodging, or sleeping purposes.

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

ADULT BOOKSTORE OR ADULT VIDEO STORE

A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

ADULT CABARET

A nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. persons who appear in a state of nudity;
2. live performances that are characterized by the exposure of Specified Anatomical areas or by Specified Sexual Activities;
3. films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT MOTEL

A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours;
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

ADULT MOTION PICTURE THEATER

A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

ADULT THEATER

A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

ALTERNATIVE TOWER STRUCTURE

Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the present of antennas or towers.

ANTENNA

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BASEMENT AND CELLAR

A floor partly beneath the surface of the ground, but distinguished from a cellar by being well lighted and fitted for living purposes, but cannot be considered as square footage for a dwelling.

BED AND BREAKFAST FACILITY

A single-family dwelling unit, which may be used for the purpose of renting sleeping rooms to transient guests, provided certain zoning requirements are met.

BERM

An earthen mound used for the purpose of landscaping, screening, or enclosure and finished with adequate topsoil to support grass or other landscape materials in a neat well-maintained condition. Clean inert material may be used as the berm base.

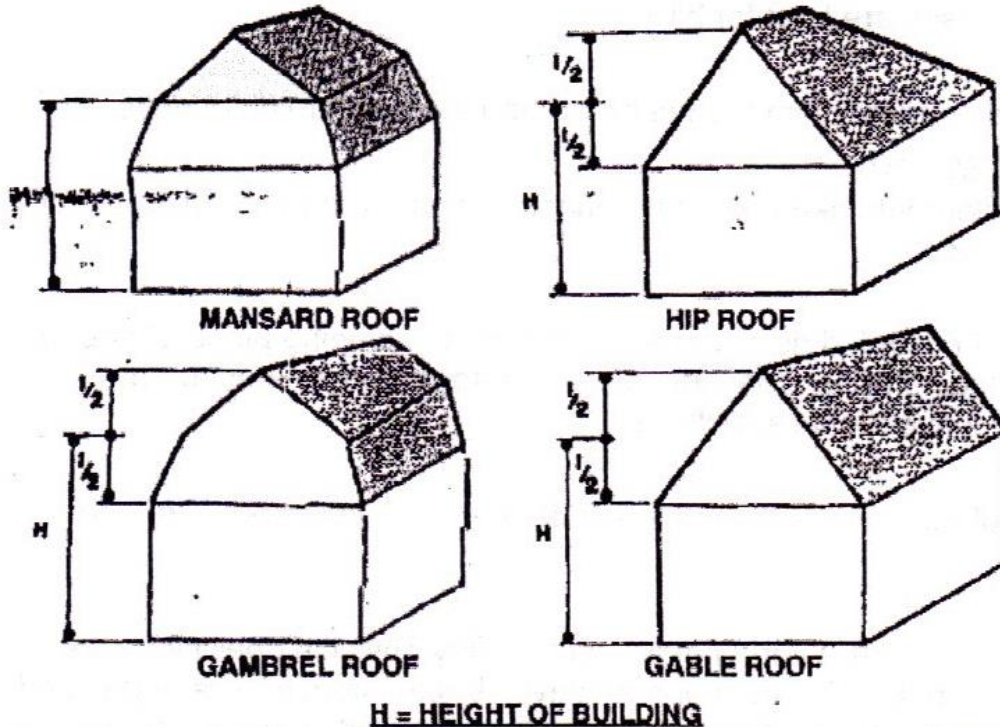
BUILDINGS

Any structure (excluding fences) having a roof, walls and built for, or capable of the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING HEIGHT

The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed 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.



CAMPGROUND or RECREATIONAL VEHICLE PARK

Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Campgrounds shall be licensed by the State of Michigan.

CHILD CARE ORGANIZATION

Any governmental or non-governmental organization having as its principle function, the received of minor children for care, maintenance, training, and supervision, notwithstanding whether educational instruction may be given, and organizations commonly described as child caring institutions, child placing agencies, children's camps child care center, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes or day care homes.

CHURCH

See definition for Place of Worship.

CO-LOCATION

The use of a wireless telecommunication tower by more than one wireless telecommunication provider.

CONDOMINIUM UNIT

That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance.

COMMERCIAL RIDING ESTABLISHMENTS

A building or land where horses are kept for hire.

COMMON ELEMENTS

Certain portions of the site condominium project other than the condominium units.

COMMON ELEMENTS (LIMITED)

A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

DWELLINGS

Any building or part thereof occupied as a home, residence, or sleeping place of one or more persons, but not including trailer coaches, motels, garage homes, basement homes, tents or similar unconventional structures.

DWELLING UNIT

Any building or part thereof occupied as a home, residence, or sleeping place of one family.

ERECTED

Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, land clearing, and general property improvement shall not be considered as an erection.

ESCORT

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

ESCORT AGENCY

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.

EXCAVATION

The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

FARM

All of the unplanted, contiguous, neighborhood or associated land occupied as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees. Provided, however, that land to be considered as a farm hereunder shall include a continuous, unplatted parcel of not less than five (5) acres in area; provided further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but establishments keeping or operating game, fish hatcheries, dog kennels, fur bearing animals, stock yards, slaughter houses, stone quarries or commercial sand and gravel pits shall not be considered as farms hereunder; nor shall premises operated as fertilizer works, bone yards, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, or junk constitute a farm hereunder.

FARM BUILDINGS

Any structure or building other than a dwelling used or built on a farm.

FENCE

A structure of definite height and location to serve as an enclosure. Wooden, concrete, asphalt, earthen or masonry walls, berms, paving, driveways, or fill materials shall be defined and regulated as fences when such items rise higher than the pre-existing ground level (i.e. the level of the ground as it existed immediately before such items were deposited or erected), and when such items are used for the purpose of enclosure or as support for an enclosure.

FENCE HEIGHT

The vertical distance from the lowest part of the fence structure to the highest part of the fence structure. When all or part of a fence is installed on wooden, concrete, asphalt, earthen or masonry walls, berms, paving, driveways, or fill materials that are used for the purpose of enclosure or as a base or support for an enclosure, the height of such items shall be included in the measurement of fence height when such items rise higher than the pre-existing ground level (i.e. the level of the ground as it existed immediately before such items were deposited or erected).

HAZARDOUS SUBSTANCES

Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

HIGHWAY

Any public thoroughfare, including roads and streets, but not alleys.

HOME OCCUPATION

An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and which does not alter the residential character of the neighborhood, and is subject to certain zoning requirements.

IMPERVIOUS SURFACE

Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include graveled driveways and parking areas.

JUNK

Any discarded personal or scrapped property, including any property which may or may not be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, or assorted for such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber and similar articles, and any machinery, or motor vehicle which is parked, deposited, employed, or possessed for the purpose of dismantling or salvaging of any part thereof.

JUNKYARD

The storage, or keeping of abandoned junk, including scrap metals or other scrap materials or items commonly known as junk, or the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The keeping of more than one dismantled or non-operable motor vehicle shall be deemed the maintenance of a junk yard, except this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

KENNEL, COMMERCIAL

An establishment licensed to operate a facility housing dogs, cats or similar household pets and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

KENNEL, PRIVATE

Any building or land used for the care of dogs, cats or similar household pets belonging to the owner of the principal use and kept for purposes of show, hunting or as pets.

LOT LINE

A line dividing one (1) lot from another or from the right-of-way, and thus constituting property lines bounding a lot or parcel.

LOT LINE, FRONT

In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the property line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that property line separating said lot from the street which is designated as the front street in the plat and/or in the request for a zoning permit. In the case of a waterfront lot, the front lot line shall be the property line adjoining the ordinary high water mark of the lake, river or stream.

LOT LINE, REAR

The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a pointed lot, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a lake front lot, the rear lot line shall be the property line at the street right-of-way when the street is more or less parallel to the lake shoreline. If a lake front lot does not abut a major street, the rear lot line shall be the line separating the lake front lot from the adjoining lot nearer the street.

LOT OR PREMISES

The parcel of land occupied or to be occupied by a building and its accessory buildings and structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located and having its frontage upon a public thoroughfare but not necessarily located in a subdivision.

LOT OF RECORD

One whose dimensions are shown on a plat recorded in the office of the County Registrar of Deeds or a lot described by metes and bounds descriptions in a recorded deed or other recorded instrument transferring a legal or equitable interest in the title.

MOBILE HOME

A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

MOBILE HOME PARK

A parcel of land, which has been planned and improved for the placement of three (3) or more mobile homes located on a continual, non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made thereof, together with any buildings, structures, enclosures, streets, equipment or facilities used by the residents of the mobile home park. Mobile home parks shall be licensed by the State of Michigan.

NON-CONFORMING STRUCTURE

A structure conflicting with the regulation in the district in which it is located.

NON-CONFORMING USE

The use of land or a structure for purposes which conflict with the provisions of the Ordinance.

NUDE MODEL STUDIO

Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

NUDITY OR A STATE OF NUDITY

Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individuals' genitals or anus with less than a fully opaque covering, or a female individual's breast **with** less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 or Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

OFF STREET PARKING LOT

A facility which is not located on a public street or right-of-way providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.

ORDINARY HIGH WATER MARK

Is defined as in the Michigan Inland Lakes and Steam Act to mean the line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On Lake Huron, the ordinary high water mark is set by Michigan's Great Lakes Submerged Lands Act at 581.5 feet above mean sea level, per international Great Lakes Datum of 1985. On a river or stream, the ordinary high water mark shall be the ten year flood plain.

OUTDOOR LIGHT FIXTURES

Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and signs, street lighting, product display area lighting, building overhangs and open canopies.

OVERLAY ZONE

A set of zoning requirements that is described in the ordinance text, is mapped, and is imposed in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. It is usually employed to deal with special physical characteristics such as flood plains, shorelines or steeply sloping areas.

PET

A domesticated animal kept for pleasure rather than utility, not to include livestock. (e.g. horses, cattle, sheep, chickens, pigs, etc.)

PLACE OF WORSHIP

A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary buildings.

PLANNED UNIT DEVELOPMENT

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operations and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

PROFESSIONAL OFFICE

The office of a physician, surgeon, doctor, dentist, attorney, engineer., architect and similar recognized professional activity when practiced by only the resident within his dwelling and not in an accessory building or structure on the premises nor with the assistance of more than one (1) non-residing employee. Such use shall not occupy more than fifty (50) percent of the floor space exclusive of attic or basement, and shall show no external evidence of such use or any change in the appearance of the building or premises from a dwelling. One (1) illuminated non-flashing sign not exceeding one thousand (1000) square inches in area may be attached flat on the front wall of the dwelling to advertise the profession.

PUBLIC UTILITY FACILITIES

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead gas, electrical, steam, water, or sewer transmission, distribution, collection, supply or disposal systems including poles, wires, mains, pipes, conduits, cables, hydrants, and other similar equipment and appurtenances necessary for such systems to furnish and adequate level of service. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

PUBLIC UTILITY

Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulations to furnish, and furnishing transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

RECREATIONAL VEHICLE

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth

wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

SCHOOL

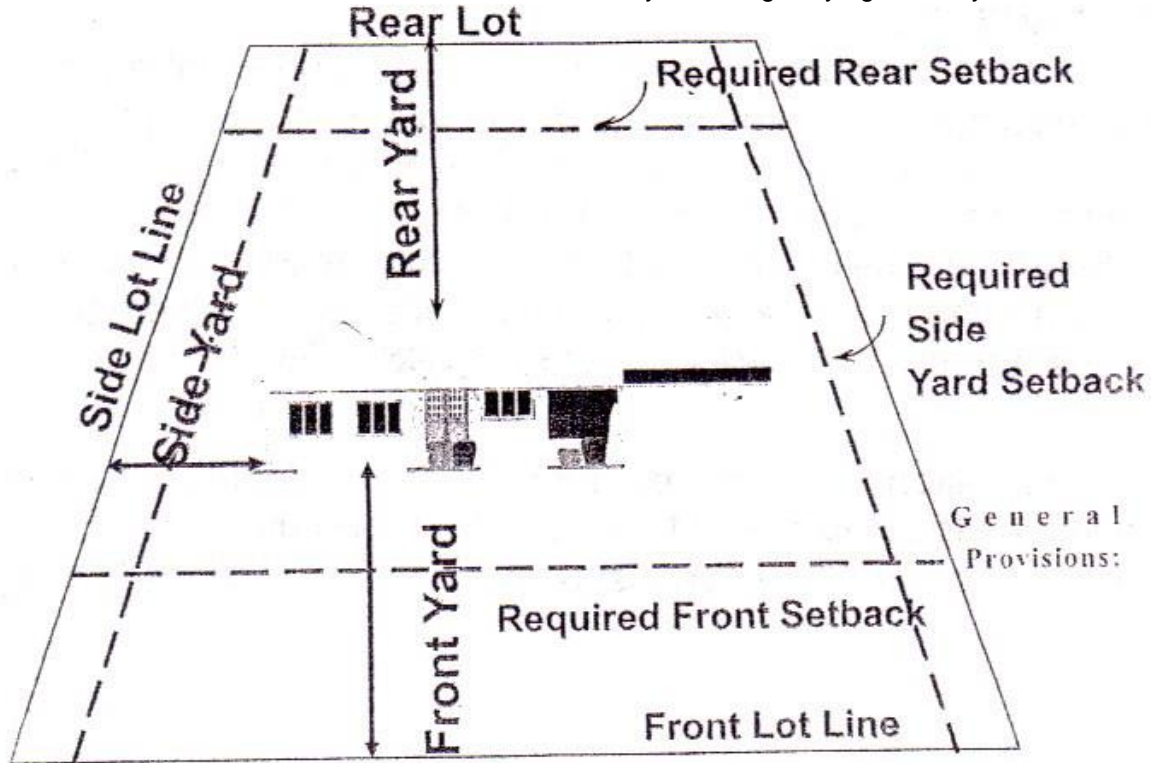
A public, charter or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

SECONDARY CONTAINMENT

Secondary containment is a measure which can be applied to facilities which use, generate or store hazardous substances. Primary containment refers to the drum, tank or other container which holds the hazardous substance. Secondary containment provides a "second" or "double" enclosure of the container. To be effective, secondary containment must block or trap leaks and spills which might otherwise reach groundwater, soils, surfacewater or wetlands. Berms and dikes surrounding drum storage areas, small sheds and fabricated metal structures are often used for secondary containment purposes.

SET-BACK LINES

Lines established adjacent to right-of-way of highways or Property Lot Lines (Front, Rear, Sides) for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained, "within a set-back line": means between the set-back lines and the nearest boundary of the highway right-of-way



SEXUAL ENCOUNTER CENTER

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration

1. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

SEXUALLY ORIENTED BUSINESS

A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; (8) nude model studio; and (9) sexual encounter center.

SIGN

Any structure or part thereof on which is lettered, pictured or displayed matter, the chief purpose of which is for advertising. This shall include window or display cards and lettered window area, whether fixed or movable.

SITE CONDOMINIUM PROJECT

A plan or project consisting of two (2) or more single family dwelling units established in conformance with the Michigan Condominium act, P.A. 59 or 1978 as amended.

SPECIFIED ANATOMICAL AREAS

Are defined as:

1. less than completely and opaquely covered human genital, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
2. human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

SPECIAL APPROVAL

Approval by the Harrisville Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district, when such use is specified in this ordinance for that district upon such approval.

STRUCTURE

Anything constructed, erected or moved on a premises, the use of which requires more or less permanent location on the ground or attached to something having more or less permanent location on the ground.

TOWERS OR AND ALTERNATE TOWER FACILITIES

All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), cellular telephone towers, wind generator towers, and any other structure. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

YARD

A space, open to the sky and unoccupied or unobstructed, on the same parcel with a building or structure. Yard measurements shall be the minimum horizontal distances between the part of the building closest to the lot line and the lot line.

YARD, FRONT

A yard extending the full width of the lot between the front lot line and the nearest point of the main building, including the porch.

YARD, REAR

A yard extending across the full width of the lot between the rear lot line and the nearest point of the main structure.

YARD, SIDE

A yard situated between the closest part of the building and the adjacent side lot line and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE THREE – GENERAL PROVISIONS

SECTION 3.01 THE EFFECT OF ZONING

- 3.01A** In order to carry out the intent of this ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this ordinance, and a zoning permit has been obtained.
- 3.01B** If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this ordinance.
- 3.01C** In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of these ordinance amendments and is not in conformance with the provisions, as amended, of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal non-conforming use and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building or structure shall be determined by the Township Planning Commission.

SECTION 3.02 NON-CONFORMITIES

3.02A Non-Conforming Lots of Record

In any district, principal structures and customary accessory buildings may be erected on any non-conforming lot which was a lot of record at the time of adoption of this ordinance, provided approval is granted by the County Health Department. Yard requirement variances may be obtained through approval of the Board of Appeals.

If any non-conforming lot or lots are of continuous frontage with other such non-conforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located.

3.02B

Non-conforming Uses

Any non-conforming use of land, buildings or structures which is discontinued through vacancy, lack of operations or otherwise for a period of twelve (12) months or more shall be construed as abandonment of use, following which any use thereof shall conform to this ordinance.

No non-conforming use shall be changed to other than a conforming use, nor shall any non-conforming use be reverted to a former non-conforming use after use has been changed to a conforming use.

Nothing in this ordinance shall prevent reasonably necessary repairs to a non-conforming building. However, no non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this ordinance.

In the event of fire, explosion or Act of God of an existing structure devoted to a non-conforming use, the structure shall not be reconstructed to exceed the floor area prior to destruction of the building.

3.02C

Non-conforming Buildings

Non-conforming buildings may be enlarged, altered, or rebuilt in a way which does not increase its non-conformity.

A non-conforming building damaged by fire, explosion or Act of God exceeding one-half (Yi) of its prior usable floor space shall not be restored except in conformity with the provisions of this ordinance, and issuance of a zoning permit.

Nothing in this ordinance shall prevent reasonably necessary repairs to a non-conforming building.

SECTION 3.03 REQUIRED AREA OR SPACE

No lot nor lots in common ownership, nor yard, court, parking space or any other place shall be divided, altered, or reduced as to be less than the minimum allowable dimensions as defined in this ordinance. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered or reduced further.

SECTION 3.04 LOT PROPORTION

The width of any lot, parcel, or land division created after the effective date of this ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth unless exempted by State Law.

SECTION 3.05 GENERAL LAND USE LIMITATIONS

3.05A Area Limitations

No portion of a lot used in complying with the provisions of this ordinance for lot size, yard setbacks or percentage of lot coverage, in connection with an existing or projected structure, shall again be used to qualify or justify any other structure existing or intended to exist at the same time.

Every building hereafter erected shall be located on a lot or parcel of land, the description of the boundaries of which are on record at the office of the Alcona County Registrar of Deeds or satisfactory to the Zoning Administrator as adequate for determining the exact location of the premises.

No single-family detached residential structure shall be erected upon a lot with another single-family detached residential structure, except as provided for in the Agricultural District.

3.05B Grading

No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponding or standing accumulation of such runoff thereon.

3.05C Road and Highway Intersections

No structures or vegetation exceeding three (3) feet in height, except open fences through which there shall be clear visions, shall be erected, planted or maintained less than twenty (20) feet from the intersection of the right-of-way lines of any public road or highway with that of any other road or highway.

3.05D Accessory Buildings and Structures

Garages and other accessory buildings and structures, including breezeways and carports attached to a main building shall be considered a part of such building in determining set-back and yard requirements.

Attached accessory buildings shall not be included in the calculation of required floor area for the main building. Accessory buildings shall comply with all applicable setback requirements for the district in which they are located. Total floor area of the main building and all accessory buildings shall not occupy more than thirty percent (30%) of the lot area. Except for farm buildings, no accessory building shall have a total floor area in excess of the ground floor area of the main building.

SECTION 3.06 SUBSTANDARD DWELLINGS

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months [one (1) additional twelve (12) month extension may be obtained from the Zoning Administrator]beginning with the date of issuance of the zoning permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic tank and well shall be constructed and maintained in accordance with the standards of materials and installation recommended by the Michigan Department of Health, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that he has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.

SECTION 3.07 WATER SUPPLY AND SEWAGE DISPOSAL

3.07A Health Department Standards

Every building or structure hereafter erected or moved upon any premises, and used in whole or in part for human occupancy, shall be provided with a safe and sanitary water supply and a septic tank sewage disposal, each system erected and maintained in accordance with the standards of material and installation recommended by the Michigan Department of Health.

3.07B Setback Requirements

No septic tank or sewage drain field shall be installed less than fifty (50) feet from any active watercourse or well or the minimum distance as established by the Michigan Department of Health, whichever is larger.

SECTION 3.08 PUBLIC UTILITY FACILITIES

The erection, construction, alteration and maintenance of facilities, such as power, communication, water distribution and sewage disposal systems, considered to be essential to serve the general public shall be exempt from the regulations set forth in this ordinance and shall be permitted in any district.

SECTION 3.09 HOME OCCUPATIONS

While Harrisville Township recognizes that many residents feel the necessity to work at home, the Township also recognized the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the quality of the neighborhood. Home occupations meeting the following criteria shall be allowed in districts, R-1, R-2, FR, A and EC.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to substantially alter its residential character.
2. The home occupation is only conducted by the person or persons occupying the premises as their principal residence, or with the use of not more than two (2) non-resident employees. Such use shall not occupy more than twenty percent (20%) of the floor area of the dwelling unit, excluding attached accessory building, attic or basement.
3. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding four (4) square feet to indicate that the same is being utilized for any purpose other than that of a dwelling, and that the sign be in conformance with the requirements of this ordinance.
4. No goods or services are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
5. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
6. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
7. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.

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8. Persons conducting a home occupation shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at three year intervals thereafter.
9. Any such home occupation shall be subject to inspection by the Zoning Administrator of the Township, and the permit for same may be terminated by order of the Planning Commission, upon recommendation by the Zoning Administrator, whenever the home occupation fails to comply with the Zoning Ordinance. The Planning Commission shall have the authority to determine whether or not an operating or proposed use complies with the Zoning Ordinance.

SECTION 3.10 BED AND BREAKFAST FACILITIES

While this Ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling unit subject to the following conditions:

1. A bed and breakfast operations shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
2. The number of rooms available for guests shall be limited to four (4). Each guest room shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
3. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guest room and one (1) for any non-resident employee.
4. The dwelling unit has no exterior evidence, other than one (1) non-illuminated sign not exceeding eight (8) square feet in area, to indicate that the same is being utilized for any purpose other than as a residence, and that the sign be in conformance with the requirements of this ordinance.
5. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations regarding bed and breakfast facilities.
6. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than two (2) non-resident employee may be hired.
7. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.
8. Persons operating a bed and breakfast facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. Bed and breakfast facilities are subject to inspection by the Zoning Administrator.

SECTION 3.11 FENCES, WALLS, HEDGES AND BERMS

Notwithstanding other provisions in this Ordinance, fences, walls, hedges and berms shall be regulated as follows: -

- 1 Except as provided for in subsection (2) below, fences, walls and hedges may be permitted on any property in any Zoning District, provided that no fence, wall, or hedge, shall exceed a height of six (6) feet and shall be no closer than five (5) feet from the front property line or road right-of-way, and further provided that such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.
- 2 Where a lot borders a lake or stream, fencing shall be set back from the ordinary high water mark by thirty (3) feet at a minimum, and shall not exceed four (4) feet in height.
3. A berm may be allowed in any Zoning District except for the R-2 District. Where constructed, berms shall not contribute to storm water runoff on to the adjacent property.
4. The following applies to all Zoning Districts except for the R-2 District: where agricultural uses are adjacent to residential uses or residential zoning districts, fences with barbed wire or electrified fences may be allowed solely for the containment of livestock. For the safety and protection of neighboring residents or pets, electrified fences shall be setback from a secondary fence by a minimum of two (2) feet. The secondary fence may be constructed at the property line.
5. In the R-2 District barbed wire or electrified fences shall not be allowed within ten (10) feet of a lot line without written approval of the adjacent property owner, but in no case shall it be located closer than two (2) feet of the lot line. As in subsection (4) above, a secondary fence shall be constructed at least two (2) feet from an electric fence to protect neighboring residents or pets.
6. In the C-1, C-2 and I Districts, all new fences shall be submitted for site plan review.
7. Temporary snow fencing may be installed no earlier than October 1 and must be removed by May 1.
8. In the installation of any fence, the property owner is responsible for the location of property lines, and should obtain a survey if necessary to determine accurate property lines. Harrisville Township shall not be held responsible for any property line or fence disputes between adjacent property owners.

SECTION 3.12 LANDSCAPE AND BUFFER STRIP REQUIREMENTS

1. In instances where a commercial, industrial or multi-family use is located adjacent to residentially zoned property or an occupied residential structure, the Planning Commission shall require the owner of the non-residential property to provide a landscaped buffer strip at least ten (10) feet wide. Such buffer strip shall include evergreen shrubbery or trees, of which height shall be determined by the Planning Commission. Grass and other living plants shall be primary ground cover in the required buffer strip. Any limbs, shrubs or bushes which extend into the property of the adjoining residential property owner may be trimmed back by the residential property owner, except for trees whose branches begin eight (8) feet or more above ground level.
2. For permitted and special uses in the C-1, C-2 and I Districts, a minimum of fifteen percent (15%) of the site shall be in landscaped open space, with one (1) evergreen tree at least five (5) feet in height or one (1) shrub at least four (4) feet in height for every one thousand (1,000) square feet of landscaped area, plus one (1) deciduous tree at least two and one-half (2 %) inch caliper for every two thousand (2,000) square feet of landscaped area. Plant material existing on the site prior to development may be included as part of this requirement if it meets minimum size. Thirty percent (30%) of the required landscaped open space shall be between the roadway and the building. Buildings on corner lots shall have sixty percent (60%) of the required landscaped open space between the building and the roadway. Grass and other living plants shall be primary ground cover in required landscaped areas.
3. All plantings within landscaped areas shall be maintained in an orderly and healthy condition, neat in appearance. The plans for required landscaped area shall be submitted to the Zoning Administrator for approval and recommendations as to suitability and arrangement of planting material; except in instances where a site plan is required, the placement of plant material shall be shown on the site plan, subject to review and approval by the Planning Commission.

SECTION 3.13 DUMPING OF MATERIALS

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or create olfactory or visual pollution.

1. **Dumping or stockpiling of waste materials or junk** - The collection, accumulation, storage or disposal of waste material, used construction material, junk or refuse is prohibited, except under the following circumstances.
 - a. Such practices are a necessary accessory use to a permitted agricultural use.
 - b. Such practices occur in a legally authorized junk yard or licensed landfill, and are included in the approved site plan.
 - c. Such practices are a necessary accessory use to a commercial or industrial use authorized under this ordinance, and are included in the approved site plan.
2. **Dumping of soil, sand and clay materials** - The extensive dumping of soil, sand, clay or similar materials shall not be allowed on any lot or parcel without the issuance of a special use permit of the Planning Commission and subject to the following requirements:
 - a. The owner, builder, or contractor obtain a letter from the District Conservationist Soil Conservation Service, U.S. Department of Agriculture or other qualified soil scientist, setting forth approval and/or recommendations as to the suitability of the site for dumping of such materials.
 - b. The material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters; no dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to an appropriate point of discharge.
 - c. Extensive dumping of materials shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in the character of the natural terrain of such lot or property.
3. **Dumping of hazardous substances and/or nuclear wastes** shall not be allowed within Harrisville Township.

SECTION 3.14 TEMPORARY STORAGE OF MATERIALS

The temporary storage, collection, or placing of used or discarded materials such as lumber, scrap iron, slag, ashes, or other such matter shall be allowed only after a permit is issued by the Zoning Administrator stating the conditions under which such activity shall be performed. The Zoning Administrator shall require the removal of such materials from districts in which said materials are illegally stored or placed. Such removal shall take place within thirty (30) calendar days after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him of the violation and stating the date on which such materials must be removed from the premises.

Said permit shall be issued only if such used or discarded materials are placed or stored in such a manner as to be invisible from any road or thoroughfare or from any residential structure surrounding the premises upon which said materials are stored, nor shall such materials be stored within two (2) feet from the property line. Said materials are not easily accessible to the general public and, in the judgement of the Zoning Administrator, do not present a danger to the health, safety and welfare of the general public including potential contamination of groundwater supplies as determined by the County Health Department. Such permit shall be issued for a period not to exceed one (1) year.

SECTION 3.15 SALVAGE OR DUMPING OF MOTOR VEHICLES

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles or part thereof within the Township, except in a legally authorized junk yard. Nor shall any unlicensed or inoperable motor vehicle or parts thereof be stored unless stored within a totally enclosed structure. This section shall not apply to the necessary storage of agricultural vehicles, such as tractors and farm implements in agricultural districts. Not more than one (1) unlicensed, but operable motor vehicle may be displayed for sale for a period not to exceed ninety (90) days.

SECTION 3.16 STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

Recreational vehicles, including campers, trailers, motor homes, boats, motorcycles and the like shall not be permitted in a residential district for a continuous period of seventy-two (72) hours or more, except under the following conditions:

- .1 That such recreational vehicles and equipment be stored not closer than two (2) feet of the lot lines.
2. Storage or parking of such vehicles and equipment shall be on property which contains a residential dwelling or adjacent or abutting property of the same ownership. The owner of said vehicles shall be the occupant of the dwelling or a member of the immediate family residing in the dwelling.

**SECTION 3.17 TEMPORARY USE OF RECREATIONAL VEHICLES AS
DWELLINGS**

Travel trailers, motor homes and other similar vehicles designed with sleeping accommodations shall not be occupied, or connected to electrical or sanitary facilities, except when used as a recreational vehicle for transient purposes and then not to exceed a continuous period of fifteen (15) days per each ninety (90) day period, and except when parked in an approved recreational vehicle park or campground.

SECTION 3.18 MOBILE HOMES

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, and ground floor space for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home construction and Safety Standards Act regulations that are currently in effect.
3. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
4. Mobile homes shall not be used as an accessory building.

SECTION 3.19 PRIVATE ROADS

Where a private road serves two (2) or more dwelling units, the road shall be developed and maintained in accordance with Alcona County Road Commission "Plat Board Development Standards of November 1, 1983" regarding right-of-way, drainage, construction, erosion control, surface and signage.

SECTION 3.20 OUTDOOR LIGHTING STANDARDS

All outdoor light fixtures including, but not limited to, pole mounted or building mounted yard lights, dock lights and shoreline lights other than decorative residential lighting, such as porch or low level lawn lights, shall be subject to the following regulations. Lighted flagpoles displaying the state and/or national flags shall be exempt from these regulations.

1. Lighting shall be designed and constructed in such a manner to:
 - a. Insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property;
 - b. That all light sources and light lenses are shielded;
 - c. That any light sources or light lenses are not directly visible from beyond the boundary of the site; and

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- d. That light from any illuminated source shall be shaded, shielded, or directed so that the light intensity or brightness will not be objectionable to surrounding areas.
2. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
3. Unless otherwise approved by the Planning Commission, light sources shall be high-pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
4. Recreation areas and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.
5. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color. Beacon lights are not permitted.
6. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
7. Parking lots shall not be lit between the hours of 9:00 a.m. and 4:00 p.m., unless conditions regarding weather, employment, or parking lot use patterns warrant otherwise.

SECTION 3.21 LIMITATION OF FUNNEL DEVELOPMENT

A waterfront lot providing access to the water for more than one (1) dwelling unit shall have water frontage easement of no less than one hundred (100) feet, or water frontage easement of no less than twenty-five (25) feet for each dwelling unit being provided access to the water, as measured along the ordinary-high water mark, whichever is greater. This limitation is intended to restrict the number of users of water frontage, to preserve the quality of the water, avoid congestion, and preserve the quality of the recreational use of all waters and recreational lands within the Township. This limitation shall apply to any waterfront lot regardless of whether access to the water is granted by single fee ownership, joint fee ownership, an interest in a general or limited common element of a condominium development, and easement, or a lease. This limitation, however, shall not apply to a public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to Harrisville Township, Alcona County, the Alcona County Road Commission, or the State of Michigan, that is intended to provide the general public with access to the water.

ARTICLE FOUR – ZONING DISTRICTS

SECTION 4.01 MAPPED DISTRICTS

For the purpose of this Ordinance, the following Zoning Districts shall be established in Harrisville Township:

EC	Environmental Conservation	R-2	General Residential
SP	Shoreline Protection	C-1	Recreation/Resort Commercial
FR	Forest Recreation	C-2	General Commercial
A	Agricultural	I	Industrial/Extractive
R-1	Rural Residential		

Section 4.01A LESSER USE OF THE ZONED LAND

Residential building is allowed in commercial and/or industrial Zoned area without a special use permit.

SECTION 4.02 DEFINITION OF BOUNDARIES

The location and boundaries of these Zoning Districts are established on a map entitled the "Harrisville Township Zoning Map" which is hereby adopted as a part of this Ordinance. The official zoning map shall be located in the Township offices and shall be updated as necessary.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys or highways, the center lines of said streets, alleys or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Boundaries indicated as following section lines shall be considered to follow the section line.
4. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the center line of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.
5. Where the application of the aforementioned rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Board of Appeals.

SECTION 4.03 ZONING OF VACATED AREAS

Whenever any street, alley, highway or public right-of-way within the Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

SECTION 4.04 ZONING OF FILL AREAS

Whenever, after appropriate permits are obtained, any fill material is placed in any lake or stream so as to create a usable or build able space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the ordinance provisions on the property from which said use emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Natural Resources and/or U.S. Army Corps of Engineers.

SECTION 4.05 ZONING DISTRICT CHANGES

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of this ordinance.

ARTICLE FIVE – ENVIRONMENTAL CONSERVATION DISTRICT (EC)

The following provisions shall apply to the Environmental Conservation(EC) District.

SECTION 5.01 PURPOSE

Within Harrisville Township there are areas where natural conditions of soil, slope, topography, susceptibility to flooding or erosion, geology, vegetation, high water table, wetlands and scenic or other aesthetic values, make them environmentally sensitive. Therefore, these areas should be protected from intensive development. The needs of the Township's residents, as well as the general welfare of the community, would better be served through development standards which protect the natural resources, flora/fauna, and water quality in these areas.

SECTION 5.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS.

5.02A Permitted Uses

1. Single-family dwelling units.
2. Hunting camps.
3. Home occupations subject to the provisions of SECTION 3.09.
4. Agricultural activities if setback at least forty (40) feet from any lake, river, stream or body of water.
5. Accessory buildings and uses customarily incidental to above permitted uses.

5.02B Uses by Special Approval

1. Commercial hunting resorts and clubs.
2. Accessory buildings and uses customarily incidental to the above special approval uses.

ARTICLE SIX – SHORELINE PROTECTION DISTRICT (SP)

The following provisions shall apply to the Shoreline Protection (SP) District.

SECTION 6.01 PURPOSE

The Shoreline Protection (SP) District is a supplementary (overlay) zoning district which applies to designated lands, as shown on the zoning map, simultaneously with one of the other (underlying) zoning districts established in this Ordinance. Lands included in this district include the area between the railroad right-of-way and the Lake Huron shoreline, but excluding the Greenbush Golf Course parcel. It is the intent of the Shoreline Protection (SP) overlay zone to provide regulations in addition to those contained in the underlying zoning district pertaining to lands located in the shoreline areas of Harrisville Township. The purpose of these regulations is to recognize the unique environmental attributes of shoreline properties and to ensure that structures and uses in this zoning district are compatible with and protect these unique attributes.

SECTION 6.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS.

6.02A Permitted Uses

Land, structures and buildings in this zoning district may be used only for those uses listed as a permitted use in the underlying zoning district in which the land is located.

6.02B Uses by Special Approval

Land, structures and buildings in this zoning district may be used only for those uses listed as special approval uses in the underlying zoning district in which the land is located.

SECTION 6.03 DISTRICT REGULATIONS

1. Regulations pertaining to minimum lot area, minimum lot width and minimum dwelling unit floor area shall be required by the underlying zoning district.
2. Minimum yard setback requirements shall be that of the underlying zoning district, except on lake front properties where the minimum front yard (lake side) setback for the main structure shall be fifty (50) feet from the ordinary high water mark of Lake Huron. Detached accessory buildings on lake front properties shall not exceed fifteen (15) feet in height and may be built in the required front yard (but not in the required twenty (20) foot vegetation strip) by special permit with site plan approval by the Planning Commission.

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3. No septic system may be located within the required front yard on lake front properties.
4. Maximum building height shall be limited to thirty (30) feet.
5. Maximum lot coverage, including total ground floor area of the principal structure, floor area of all accessory buildings and all impervious surfaces shall not exceed thirty percent (30%) of the lot area.
6. Natural vegetation shall be preserved along the shoreline and in a strip no less than twenty (20) feet from the ordinary high water mark, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.
7. Fencing shall be set back from the ordinary high water mark by thirty (30) feet at a minimum, and said fence shall not exceed four (4) feet in height.

ARTICLE SEVEN – FOREST RECREATION DISTRICT (FR)

The following provisions shall apply to the Forest Recreation District (FR).

SECTION 7.01 PURPOSE

This district is intended to promote the proper use, enjoyment and conservation of the water, land, topographic and forest land resources of the Township particularly adapted in general to recreational and forest uses.

SECTION 7.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of **ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS**.

7.02A - Permitted Uses

1. Single-family dwellings.
2. Legal harvesting of forestry products and native crops.
3. Parks, playgrounds, hunting and fishing.
4. Camping, hunting and fishing cabins or cottages.
5. Agricultural activities.
6. Home occupations subject to the provisions of SECTION 3.09.
7. Bed and breakfast facilities subject to the provisions of SECTION 3.10.
8. Accessory buildings and uses customarily incidental to the above permitted uses.

7.02B - Uses by Special Approval

1. Forest products processing and sales.
2. Commercial excavation operations, mines, quarries and gravel pits.
3. Gun clubs.
4. Commercial hunting resorts and clubs.
5. Private airports and landing strips.
6. Planned Unit Developments.
7. Accessory buildings and uses customarily incidental to the above special approval uses.
8. Telecommunication towers.

ARTICLE EIGHT – AGRICULTURAL DISTRICT (A)

The following provisions shall apply to the Agricultural District (A).

SECTION 8.01 PURPOSE

Land in the Agricultural District (A) are those open areas of the Township where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. The use of land for other purposes generally recognized as compatible with agricultural uses is provided by "Special Approval".

SECTION 8.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of **ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS.**

8.02A Permitted Uses

1. Agriculture, including both general and specialized farming, tree farms and forestry.
2. One- and two-family dwellings.
3. Roadside stands for the sale of farm product, provided that not less than fifty (50) percent of the goods offered for sale shall have been produced on the premises; and provided further, that the facilities for entry to and exit from the premises and that adequate off-street parking is available.
4. Plant nurseries and greenhouses.
5. Home occupations subject to the provisions of SECTION 3.09.
6. Bed and breakfast facilities subject to the provisions of SECTION 3.10.
7. Accessory buildings and uses customarily incidental to the above permitted uses.

8.02B Uses by Special Approval

1. Cemeteries.
2. Commercial kennels, veterinary clinics and animal hospitals.
3. Landing fields, including platforms, hangars, masts and other facilities.
4. Golf courses.
5. Township and county administrative buildings, including service buildings and structures.
6. Fire control structures.
7. Non-domestic fur bearing animals when confined in cages not less than two hundred (200) feet from any property line.
8. Commercial excavation operations, mines, quarries and gravel pits.
9. Private airports and landing strips.
10. Accessory buildings and uses customarily incidental to the above special approval uses.
11. Telecommunication towers.

ARTICLE NINE – RURAL RESIDENTIAL DISTRICT (R-1)

The following provisions shall apply to the Rural Residential District (R-1).

SECTION 9.01 PURPOSE

The land uses in this District are both agricultural and residential in character. The provisions of this Article recognize the gradual growth of rural residential developments that are taking place as well as the extension of other activities into the District, and the desirability of adopting good standards to guide such developments in the interest of good land and resource use.

SECTION 9.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS.

9.02A Permitted Uses

One- and two-family dwellings.

1. Home occupations subject to the provisions of SECTION 3.09.
2. Boarding and lodging homes.
3. Bed and breakfast facilities subject to the provisions of SECTION 3.10.
4. Agricultural activities on ten (10) acres or more, including production of all field crops, fruits, pasture, wood lots, farm forestry and domestic livestock, but not including non-domestic fur bearing animals.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

9.02B Uses by Special Approval

1. Churches, schools, cemeteries, medical clinics and hospitals.
2. Fire and police stations.
3. Libraries, community buildings and public museums.
4. Private clubs and fraternal or civic organizations.
5. Agriculture related businesses.
6. Commercial kennels, veterinary clinics and animal hospitals.
7. Philanthropic institutions.
8. Public utility buildings.
9. Mobile home parks on five (5) acres or more.
10. Professional Offices.
11. Accessory buildings and uses customarily incidental to the above special approval uses.
12. Telecommunications towers

ARTICLE TEN – GENERAL RESIDENTIAL DISTRICT (R-2)

The following provisions shall apply to the General Residential (R-2) District.

SECTION 10.01 PURPOSE

The purpose in creating the General Residential District (R-2) is to provide areas primarily dedicated to residential use consisting of dwellings for only one family or household group (multiple dwellings by special approval), each dwelling to be located on individual lots or premises, adequate in size to provide for safe water and sewage and set back from the public thoroughfare to facilitate safe exit from and entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of each such district, and to provide suitable and safe conditions for family living. The district is established in conformity with the existing areas and in areas which it appears desirable for such developments to take place. Since certain other uses are generally accepted as compatible with residential development, if properly integrated, the inclusion of such uses is provided by "Special Approval".

SECTION 10.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS.

10.02A Permitted Uses

1. One- and two-family dwellings.
2. Home occupations subject to the provisions of SECTION 3.09.
3. Parks and playgrounds (without buildings).
4. Bed and breakfast facilities subject to the provisions of SECTION 3.10.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

10.02B Uses by Special Approval

1. Churches, schools, cemeteries, medical clinics and hospitals.
2. Fire and police stations.
3. Libraries, community buildings and public museums.
4. Multiple housing on at least two (2) acres or seven thousand five hundred (7,500) square feet per unit whichever is greater.
5. Accessory buildings and uses customarily incidental to the above special approval uses.

ARTICLE ELEVEN – RECREATION/RESORT COMMERCIAL (C-1)

The following provisions shall apply to the Recreation/Resort Commercial (C-1) District.

SECTION 11.01 PURPOSE

The purpose of this district is to encourage a compatible mix of land uses related to recreation and resort commercial activities.

SECTION 11.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of **ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS**.

11.02A Permitted Uses

1. Restaurants.
2. Bed and breakfast facilities subject to the provision of SECTION 3.10.
3. Tourist oriented shops including book, antique and art shops.
4. Convenience grocery and supply stores, excluding the sale of gasoline and similar fuels sold by pump.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

11.02B Uses by Special Approval

1. Drive-through restaurants.
2. Golf courses.
3. Motels and resorts on at least two (2) acre lot.
4. Multiple housing on at least two (2) acre lot or five thousand (5,000) square feet per unit, whichever is greater.
5. Gasoline and oil service stations, but not the storage, processing or sale of used motor vehicles or machinery parts, or other items commonly known as junk.
6. Planned Unit Developments.
7. Any Business that has a Liquor License
8. Accessory buildings and uses customarily incidental to the above special approval uses.

ARTICLE TWELVE – GENERAL COMMERCIAL (C-2)

The following provisions shall apply to the General Commercial (C-2) District.

SECTION 12.01 PURPOSE

The primary purpose of the General Commercial District (C-2) is to provide areas for commercial and business activities generally compatible to each other, and for personal and other services commonly associated with commercial districts. As in other Districts, provision is also made by "Special Approval" for inclusion and development of other enterprises and activities requiring special consideration.

SECTION 12.02 PROPERTY USES

Except as provided in SECTION 1.02, no building or structure shall hereafter be erected, altered, occupied or used, or land or premises occupied or used for other than one or more of the following purposes. All property uses, buildings and structures shall comply with the requirements of ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS.

12.02A Permitted Uses

1. Retail stores and shops offering merchandise, and when conducted within a building having a roof and four sides.
2. Business and personal services including barber shops; beauty parlors; shoe repair shops; dry cleaning agencies; printing shops; dress making; tailoring; floral shops; photographic shops; real estate; insurance; financial; radio and television shops; recreational centers; publishing, printing, carpenter, heating, plumbing and electric shops; and similar services.
3. Professional offices; show rooms; banks; undertaking establishments; public utility buildings without storage yards; publicly owned buildings; civic, social and fraternal organization buildings; recreation centers businesses; churches; Motels
4. Restaurants, but not including drive-ins.
5. Accessory buildings and uses customarily incidental to the above permitted uses.

12.02B Uses by Special Approval

1. Gasoline and oil service stations and garages, but not the storage, processing or sale of used motor vehicles or machinery parts, or other items commonly known as junk.
2. Commercial parking lots.
3. Sale and storage of fuels; and of lumber and other building materials.
4. Transformer stations and substations with service storage yards.
5. Warehouses and enclosed storage facilities.
6. Drive-through restaurants.
7. Accessory buildings and uses customarily incidental to the above special approval uses.
8. Sale and service of new or used motor vehicles, agricultural machinery, recreational vehicles and similar uses.
9. Sexually oriented business.
10. Any Business that has a Liquor License

ARTICLE THIRTEEN – INDUSTRIAL/EXTRACTIVE (I)

The following provisions shall apply to the Industrial District (I).

SECTION 13.01 PURPOSE

The primary purpose of these districts is to provide areas for the encouragement and conduct of selected industries, for processing selected raw and semi-finished materials, for storage of industrial products, and for wholesale office and employee facilities customarily associated with any permitted use.

SECTION 13.02 PROPERTY USES

No building or structure, or part thereof, shall hereafter be erected, used or occupied, or land or premises used or occupied for other than one or more of the following specified uses; subject to **SECTION 13.03 and ARTICLE FIFTEEN.**

1. The manufacture of any product, goods or materials, including testing, repair storage and sale of such products at wholesale
2. Wholesale commercial establishments.
3. Wholesale contractor's yard and building, but without retail activities.
4. Clothing cleaning establishments and their retail outlets.
5. Gravel pits and other extractive industries.
6. Sawmills.
7. Petroleum storage tanks or storage tanks for any flammable liquid and production or refining plant for petroleum products when not closer than three hundred (300) feet from any residential district and one hundred (100) feet from any other district.
8. Wastewater treatment facilities.
9. Auto wrecking and storage yards.
10. Accessory uses customarily incidental to any permitted or approved use, including office facilities, food services for employees, and caretakers' buildings.

SECTION 13.03 STANDARDS OF PERFORMANCE

1. No use shall constitute a nuisance to adjacent premises, nor defeat the purposes of this Ordinance as expressed in SECTION 1.01.
2. No use shall discharge any produced dust; odorous matter; physical vibrations; heat or glare; electrical interference; or intolerable noise beyond the premises on which the use is located.
3. No use shall discharge polluting materials, fluids or gases into the groundwater or surface water, soil or atmosphere.
4. Every premises having a common boundary line with a land use district other than Industrial shall provide and maintain a screening evergreen hedge, and/or approved fence or screen, the height of which shall be not less than six (6) feet. Fence or hedge shall be opaque or compatible with surrounding area.

ARTICLE FOURTEEN – SCHEDULE OF REGULATIONS

SECTION

14.01

It is the purpose of zoning to regulate the sizes, bulk, height and types of uses and structures in various districts to protect the general health, safety and welfare of residents living within each district. The following Schedule of Regulations stipulates the minimum allowable areas for land and buildings in each district as defined in this ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum lot area, setback requirements and minimum ground floor area of dwelling units as established for each district in this ordinance. Nor shall any open space surrounded by structures be encroached upon unless such encroachment is in conformance with the regulations set forth in this ordinance.

SECTION 14.02 FOOTNOTES TO SCHEDULE OF REGULATIONS

1. Minimum lot area, minimum lot width, minimum side and rear yard setbacks and minimum ground floor area for the overlying Shoreline Protection District (SP) are the same as for the underlying zoning district.
2. Minimum front yard setback for the overlying Shoreline Protection District (SP) is the same as for the underlying zoning district, except for lake front properties where the minimum front yard (lake side) setback for the main structure shall be fifty (50) feet for the ordinary high water mark for Lake Huron.
3. Side yards for the General Commercial District (C-2) shall not be required along interior lot line, if all walls abutting or facing such lot lines are of fireproof masonry construction and wholly without windows or other openings. Side yards of not less than ten (10) feet shall be provided when any wall facing such sidelines contains windows or other openings. Side yards of not less than ten (10) feet shall be provided on any lot or premises abutting a residential district or any premises occupied by a dwelling.
4. In an Agricultural Zoned District, a lot less than the required forty (40) acre minimum may be allowed. The resulting lot or lots shall have at least two hundred (200) feet of road frontage, and shall be not less than Acre nor more than 5 Acres in area. Not more than two (2) lots of record may be split per quarter, quarter section (40 acres).
5. For Commercial Buildings, Farm Buildings and Industrial Buildings having ingress/egress openings, other than pedestrian openings, facing a road, minimum set back from the road right-of-away is 75 ft.
6. For all Zoning Districts a Lesser Use of Land may be authorized by the Zoning Administrator (ZA) if said use is comparable to surrounding area use. All Zoning District Requirements for the Lesser use shall be met prior to ZA approval.

SECTION 14.03 SCHEDULE OF REGULATIONS

Zoning District	Maximum Height of Structure Stories Feet		Minimum Lot Area	Minimum Lot Width	Minimum Yard Setbacks			Min. Ground Floor Area per D. U.
	Front	Rear			Side			
Environmental Conservation (EC)	2	35 ft.	20 acres	500 ft.	40 ft.	10 ft.	10 ft.	400 sq. ft.
Shoreline Protection (SP)	2	30 ft.	(*1)	(*1)	(*2)	(*1)	(*1)	(*1)
Forest Recreation	2	35 ft.	10 acres	330 ft.	40 ft.	10 ft.	10 ft.	400 sq. ft.
Agricultural (A)	2	35 ft.	40 acres (*4)	330 ft.	40 ft. (*5).	10 ft.	10 ft.	800 sq. ft.
Rural Residential (R-1)	2	35 ft.	40,000 sq. ft.	200 ft.	40 ft.	10 ft.	10 ft.	800 sq. ft.
High Density Residential (R-2)	2	35 ft.	15,000 sq. ft.	100 ft.	40 ft.	10 ft.	10 ft.	800 sq. ft.
Recreation/Resort Commercial (C-1)	----	----	40,000 sq. ft.	100 ft.	40 ft. (*5)	10 ft.	10 ft.	N.A.
General Commercial (C-2)	----	----	12,000 sq. ft.	100 ft.	40 ft. (*5)	(*3)	10 ft.	N.A.
Industrial/Extractive (I)	---	---	2 acres	200 ft.	40 ft. (*5)	20 ft.	20 ft.	N.A.

(*) Reference - SECTION 14.02 FOOTNOTES TO SCHEDULE OF REGULATIONS

(*6) Applies to all Zoning Districts

ARTICLE FIFTEEN – SITE PLAN REVIEW REQUIREMENTS

SECTION 15.01 PURPOSE

The proper development of a community requires that various uses within any district be as compatible as possible. There are, however, certain types of activities and structures which, because of size and/or amount of traffic generated or attracted under normal use, lend themselves to potential conflict with surrounding areas. It is the responsibility of the Harrisville Township Planning Commission to provide procedures to insure the Township develops in accordance with the general intent of this Ordinance.

SECTION 15.02 CIRCUMSTANCES REQUIRING A SITE PLAN

A site plan shall be submitted in accordance with proposed developments in specified districts. The following situations shall warrant a site plan:

1. Special permit uses in all districts.
2. All permitted uses in commercial and industrial districts: C-1, C-2 and I.
3. Certain permitted uses in R-1, R-2, FR and A districts as follows: parks, roadside stands, plant nurseries and greenhouses.
4. Planned Unit Development.
5. Condominium Developments
6. Any change in an original site plan must come to Planning Commission for review and approval.
7. Residential building is allowed in Commercial and Industrial Zoned Districts without a Special Use Permit.

SECTION 15.03 SITE PLAN DATA REQUIREMENTS

Each site plan submitted shall contain the following information:

1. The date, north arrow, graphic scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch= twenty (20) feet for parcels under three (3) acres and not less than one (1) inch= (100) feet for parcels three (3) acres or more.
2. The boundary lines of the property to include all dimensions, legal property description and property address.
3. The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (show the dimensions of a typical parking area), loading and unloading areas, common use areas, recreational areas and facilities.
4. The location and widths of all abutting rights-of-way (streets, alleys, or easements).
5. The location of unusual environmental features, such as streams, wetlands, shorelines, mature specimen trees and wooded areas.
6. The location and identification of all existing structures within a two hundred (200) foot radius of the site, and the zoning district designation of adjacent properties.
7. The name and address of the property owner.

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8. The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
9. The location of all existing and proposed landscaping, as well as all existing and proposed fences or walls.
10. A locational sketch of the proposed use or structure.
11. The type, location and size of all utilities existing and proposed for the site.
12. The location, size and slope of all surface and subsurface drainage facilities.
13. A summary schedule and views should be affixed to site plans for proposed structures in applicable residential and commercial districts, giving the following information:
 - a. The number of dwelling or commercial units proposed, by type, including a typical floor plan for each type of unit.
 - b. The residential or commercial area of the proposed units in square feet as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
14. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten (10) percent or greater, contours shall be shown at height intervals of two (2) feet or less.
15. For uses where hazardous substances will be used, generated or stored in quantities greater than twenty-five (25) gallons or two hundred-twenty (220) pounds [one hundred (100) kilograms] in one month, such substances shall be stored in both primary and secondary containment. The site plan shall include the location and design of such containers. A "Hazardous Substance Reporting Form for Site Plan Review" shall be included with site plan when applicable.
16. For uses where objectionable noises or noise levels are anticipated to be audible off site, a description of the control practices or devices proposed to minimize or eliminate the objectionable noises or noise levels.

SECTION 15.04 SUBMITTAL AND APPROVAL PROCEDURES

All site plans, required as stated within this ordinance shall be submitted by the petitioner (property owner or designated agent) to the Zoning Administrator, in triplicate. The Zoning Administrator shall schedule the site plan for review at the next regular Planning Commission meeting. Where the Zoning Administrator finds the site plan to be incomplete, the applicant shall provide any information required to complete the submittal prior to Planning Commission review.

The Zoning Administrator shall submit site plans and appropriate paperwork to the Planning Commission Chairperson for distribution to Planning Commission members seven (7) days prior to the meeting when site plan will be considered. The Planning Commission shall have the responsibility and authority to review the site plan in accordance with the requirements of the zoning district in which the proposed use is located, and all other pertinent ordinance requirements.

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Any conditions on, or modifications of, the site plan desired by the Planning Commission shall be recorded in the Planning Commission minutes. The site plan shall be approved if it contains the required site plan data and is in compliance with this ordinance, other Township planning documents, and state and federal statutes. When approved, at least two (2) copies of the final approved site plan shall be signed and dated by both the chair of the Planning Commission and the applicant. One (1) of the approved copies shall be kept on file by the Zoning Administrator, and the other approved copy shall be kept by the petitioner or his designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner, as evidenced by a site plan amendment processed according to the submittal and review requirements of this section.

SECTION 15.05 FEES

Accompanying the request for approval of a site plan, a fee, to be determined by the Harrisville Township Board, shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by Harrisville Township for expert consultation relative to the application.

SECTION 15.06 REVOCATION

If the Planning Commission shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the chairman of the Planning Commission. Said letter shall be received by the applicant at least ten (10) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the Planning Commission within ten (10) days of receipt of the above letter of his or her intent to rectify the violation, the Planning Commission, through official action, may defer the revocation.

ARTICLE SIXTEEN – SPECIAL USE PERMIT PROCEDURES

Special land uses are those uses which may possess characteristics or qualities requiring individual review to insure compatibility with permitted uses in the district, with the character of the surrounding area, with available public services and facilities or with adjacent land uses. The intent of this section is to establish equitable procedures and criteria to be applied in approving or disapproving requests for special use permits.

SECTION 16.01 SPECIAL USE PERMIT PROCEDURES

The following steps shall be taken by the applicant, Zoning Administrator and Planning Commission when considering a proposed special land use:

1. All applications for special use permits shall be filed with the Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a permit.
2. The Zoning Administrator, after preliminary review for completeness, shall forward the complete application to the Planning Commission for review. Where the Zoning Administrator finds the application or required site plan to be incomplete, the applicant shall provide any information required to complete the submittal prior to Planning Commission review.
3. The Planning Commission shall review the special land use application and required site plan according to the requirements of the zoning district in which the proposed use is to be located, the standards set forth in this article and all other applicable requirements of this ordinance.
4. Any application submitted that the Zoning Administrator feels may be of a special nature shall be handled as a special use permit, unless the use is specifically listed as a permitted use in the district where located.

SECTION 16.02 NOTICE REQUIREMENTS

Upon receipt of the application for special use permit and accompanying required site plan, one (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date of application will be considered. If the name of the occupant is not shown, the term "occupant" may be used in making notification. The notice shall:

1. Describe the nature of the special land use request.
2. Indicate the property which is the subject of the special land use request.

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3. State when and where the special land use request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special use

SECTION 16.03 REQUEST FOR PUBLIC HEARING

At the initiative of the Planning Commission or upon request of the applicant for special land authorization or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval shall be held before a decision is made on the special land use request requiring the submission of a site plan. If the applicant or the Planning Commission responsible for approving special land use requests a public hearing, only notification of the public hearing need be made. A decision on a special land use requiring submittal of a site plan shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request has been made as required by this section.

SECTION 16.04 REVIEW STANDARDS

In reaching its determination, the Planning Commission shall consider the following:

1. All standards applicable to the district in which the development is to be located.
2. Any additional standards applicable under ARTICLE SEVENTEEN - DEVELOPMENT STANDARDS FOR SPECIAL PERMIT USES."
3. Adequate location and design of driveways to provide vehicular ingress to and egress from the site.
4. Traffic circulation features within the site and location of automobile parking areas which insure safety and convenience of both vehicular and pedestrian traffic.
5. Safe and adequate sewage disposal facilities, water supply, storm water drainage, fire protection and other utility provisions.
6. Any development modifications necessary to insure the nature of the operation will not be in conflict with the primary permitted uses in the district or neighborhood.
7. Adequate mitigation of any conditions objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, erosion, pollution, or negative effects upon significant environmental features.
8. That the use will not discourage or hinder appropriate development and use of adjacent premises and neighborhood.

SECTION 16.05 STATEMENT PERTAINING TO DECISION

The Planning Commission may deny, approve or approve with conditions, a request for special land use approval. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specified the basis for the decision and any conditions imposed.

**ARTICLE SEVENTEEN
DEVELOPMENT STANDARDS FOR SPECIAL PERMIT USES**

The various land uses and activities requiring special consideration and more intense review are listed herein. The standards specified under each type of use are meant to be utilized by the Planning Commission as general guidelines for determining whether or not a proposed use is acceptable.

SECTION 17.01 AIRPORTS, AIRCRAFT LANDING FIELDS

1. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of seventy-five (75) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least one hundred (100) feet.
2. All privately owned and maintained aircraft landing strips shall be at least two hundred (200) feet from the nearest residential dwelling unit and at least one hundred fifty (150) feet from all other buildings not designed as accessory structures for said aircraft landing field.
3. All other aircraft landing fields or airports must conform to applicable federal and state regulations and be approved by appropriate federal and state agencies prior to Submittal of a site plan to the Planning Commission.
4. Off-street parking facilities, in conformance with ARTICLE EIGHTEEN, shall be maintained.
5. All structures on the lot on which said airport or aircraft landing field is located shall also conform to the standards set forth in its applicable zoning district.

SECTION 17.02 ANIMAL HOSPITALS KENNELS

1. Minimum setbacks for the main structure shall be fifty (50) feet in the front, fifty (50) feet on each side and one hundred (100) feet in the rear.
2. Appropriate ingress and egress and off-street parking shall be maintained according to **ARTICLE EIGHTEEN**.
3. Required buffer strip and screening according to **SECTION 3.12** shall be maintained.
4. All principal use activities shall be included within an enclosed main building.

SECTION 17.03 AMUSEMENT PARKS

1. The minimum lot size shall be five (5) acres.
2. The lot shall be so situated as to abut a major thoroughfare on one (1) side.
3. No amusement facility or activity shall be located within two hundred fifty (250) feet of a residential dwelling.
4. The entire premises shall be surrounded by a six (6) foot high wall, fence or similar barrier.
5. Any amusement park facility located within five hundred (500) feet of a residential dwelling shall be open for business no later than 10 p.m.

SECTION 17.04 APARTMENTS

1. Ingress, egress and off-street parking facilities shall conform to the standards set forth in **ARTICLE EIGHTEEN**.
2. The lot on which an apartment is situated shall abut, at least on one (1) side, a major thoroughfare.
3. Where an apartment dwelling is located adjacent to a commercial, industrial or single-family residential lot, the buffer strip and protective screening requirements of **SECTION 3.12** shall be adhered to.
4. Where an apartment dwelling exceeds the allowable maximum height of the district in which it is located, for every one (1) foot of excess height, one (1) foot of additional setback on all sides shall be required.
5. Vehicular access to the rear of the site for the provision of services shall be required.
6. Trash and garbage collection facilities shall be located to the rear of the lot on which the apartment building is located.

SECTION 17.05 AUTOMOBILE SERVICE STATIONS, PUBLIC GARAGES, FILLING STATIONS

1. Minimum lot size shall be fifteen thousand (15,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
2. Minimum lot width shall be one hundred twenty (120) feet for a service station or repair garage and one hundred (100) feet for a filling station.
3. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the street right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than ten (10) feet from the side or rear lot line of adjoining commercial or industrial property.
4. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
5. The entire lot, excluding those areas occupied by a building or landscaped areas, shall be hard-surfaced with concrete or a plant mixed bituminous material.
6. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining street, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, street or public right-of-way.

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7. When adjoining residential property, a masonry wall, a minimum six (6) feet in height, shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot high masonry wall. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
9. The sale or rental of used or new vehicles, including trailers or recreational vehicles on the premises, is prohibited.
10. The property on which the automobile service station, repair garage or filling station is located shall be no closer than five hundred (500) feet from a vehicular entrance or exit to a hospital, library, museum, public or private school, playground, church or park.
11. All exterior lighting, including signs, shall be hooded or shielded so that glare shall be shielded from the view of adjacent properties.
12. Only one (1) freestanding sign, not exceeding one hundred (100) square feet, shall be allowed to advertise the name of the owner or occupant of the premises.
13. On a corner lot, both street frontage sides shall conform to all applicable front yard regulations of this ordinance.

SECTION 17.06. AUTO WRECKING AND STORAGE YARDS

1. *Minimum lot size shall be ten (10) acres.*
2. There shall be minimum side and rear yard setback of at least fifteen (15) feet.
3. The property on which such auto wrecking and storage yard is located shall be surrounded by a masonry wall or fence of a minimum height of ten (10) feet. Such wall or screening fence shall be made of a material designed to block the view of the yard from passers-by and shall be maintained in a neat appearance.
4. The fence or wall adjacent to a street shall be set back at least twenty (20) feet from the street right-of-way line.
5. The surface, exclusive of buildings, shall be paved with concrete or bituminous material, oiled, watered or treated so as to minimize dust and seepage of chemicals into surface or sub-surface waters.

SECTION 17.07 CAMP GROUNDS, TRAVEL TRAILER PARKS

1. Minimum lot size shall be at least ten (10) acres.
2. Each campsite or trailer site shall have direct vehicular access.
3. Each lot (entire campground or travel trailer park) shall contain at least one (1) public telephone, and one (1) sanitary facility for each ten (10) campsites or travel trailer sites. A sanitary facility includes one (1) flush toilet and sink, and electrical hookup.
4. Running water shall be made available within the campground or travel trailer park.
5. A six (6) foot screening fence will be provided when adjacent to residential areas.

SECTION 17.08 CHILD CARE CENTERS, NURSERY SCHOOLS, DAY NURSERIES

1. Nursery school and day nurseries for children of pre-school age shall provide a lot area of at least five hundred (500) square feet for each child enrolled.
2. For each child, enrolled, there shall be maintained a minimum usable outdoor play area of one hundred fifty (150) square feet, with a minimum total usable outdoor play area of five thousand (5,000) square feet per facility.
3. The outdoor play area shall be suitably fenced and screened by a heavily planted buffer strip adjacent to abutting properties.
4. No dormitory facilities will be permitted.

SECTION 17.09 CHURCHES

1. Minimum lot area shall be two (2) acres.
2. Minimum lot width shall be one hundred fifty (150) feet.
3. For every one (1) foot of height (excluding the spire) above the maximum building height allowable for the district in which said church is located, an additional one (1) foot setback on all sides of the main structure shall be required.
4. Proper vehicular ingress, egress and off-street parking requirements shall be maintained according to ARTICLE EIGHTEEN
5. The buffer strip and protective screening requirements of SECTION 3.12 shall be adhered to.

SECTION 17.10 CONVALESCENT HOMES

1. Minimum lot size shall be at least five (5) acres.
2. The property on which the facility is located shall abut a primary or secondary county road and shall have separate ingress and egress from such road.
3. The main and accessory buildings shall be set back at least seventy-five (75) feet from the road right-of-way.
4. The facility shall provide a minimum fifteen hundred (1,500) square feet of open space for each bed. Such open space may include landscaped areas, patios, parking areas, driveways and accessory uses.

SECTION 17.11 DRIVE-THROUGH RESTAURANTS

1. Main and accessory buildings shall be set back a minimum of sixty (60) feet from the street right-of-way line.
2. Public access to the site shall be provided no closer than seventy-five (75) feet from any intersection as measured from the right-of-way line of the intersecting street to the nearest point of access.
3. A minimum three (3) foot high screening fence or masonry wall shall be provided on the interior of the property line adjacent to any residential or commercial use, in addition to required buffer strip width.
4. Off-street parking facilities with separate ingress or egress may be provided in the front yard area of "fast-food" drive-through restaurants.

SECTION 17.12 EXTRACTIVE AND MINING OPERATIONS

17.12A Lot Size Equal-To or Greater Than five (5) Acres:

1. No open pit or mine shall be located closer than two hundred (200) feet to the right-of-way line of a public street or thoroughfare, nor closer than two hundred (200) feet to the shoreline of any inland lake or stream. On property adjacent to Lake Huron, no open pit or mine shall be located closer than two hundred (200) feet to the ordinary high water mark of Lake Huron, nor lake ward of the five hundred eighty-five (585) foot land surface elevation line. No open pit or mine shall be located closer than six hundred fifty (650) feet to a dwelling unit which existed on the date of ordinance adoption.
2. Safety fencing shall be provided, and any necessary fencing shall be shown on the site plan. Where property used for mining operations abuts property zoned for residential use or a public street, and when mining operations occur within view of such residential property or street, a visual buffer shall be established and maintained. The buffer shall be composed of, at minimum, a seventy-five (75) foot wide vegetated area including tree and shrub species native to the region and a twenty-five (25) foot wide vegetated berm at least eight (8) feet in height.
3. As soon as practicable following the mining or excavation of an area, the site shall be returned as far as possible to its natural state unless alternate plans, approved by the Planning Commission, are submitted by the owner or occupant.
4. The applicant shall give assurances acceptable to the Planning Commission of installing pollution or nuisance control devices or operational practices to minimize dust, smoke, noise, vibration, water pollution, surface water and groundwater level impacts, hazardous waste discharge or spills, or visual effects of such operations. The Planning Commission may require a performance bond or similar assurance for such safeguards prior to approval.
5. If truck or heavy equipment traffic is anticipated to pass through residential areas, the site plan shall include measures to minimize negative traffic impacts, including consideration of alternative truck routes where possible.
6. The site plan shall be submitted prior to beginning mining activities and at five year intervals thereafter during the active life of the mine.

For mines in active use at the time of ordinance adoption, the site plan need only cover areas of the site anticipated for future mining, and shall be submitted within six (6) months of the effective date of this ordinance provision.
7. A performance bond may be imposed at any time if the site plan and/or reclamation plan is not followed.

17.12B Lot Size Less than Five (5) Acres

Vacant parcels or areas less than 5 acres in size shall obtain a **SPECIAL LAND USE PERMIT** from the Harrisville Planning Commission if the material is being sold or used in a commercial manner. This does not include a land owner from hiring a contractor to move or remove rock, sand, soil or fill material from around a building site or to improve an existing building site.

SECTION 17.13 GOLF COURSES, COUNTRY CLUBS

1. Minimum lot size shall be sixty (60) acres.
2. A shelter building with sanitary toilet facilities meeting all requirements of the county health department and county building code shall be provided and maintained.
3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

SECTION 17.14 GROUNDWATER PROTECTION (for uses which use, generate or store hazardous substances in quantities greater than 25 gallons or 220 pounds per month).

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater surface water and wetlands.
2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. 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. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

SECTION 17.15 HOTELS, MOTELS, MOTOR COURTS

1. Public access to the site shall be located so as not to conflict with vehicular traffic to and from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.

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2. Refuse and/or garbage receptacles shall be screened from view and shall be located in the rear yard or side yard of the property and adequate vehicular access to such receptacles shall be provided.
3. When adjacent to a residential district, fence or masonry wall at least six (6) feet in height shall be erected adjacent to the common property line.
4. Where the front yard is used to provide access, a twenty-five (25) foot wide greenbelt shall be located adjacent to the street right-of-way, except for vehicular access points.
5. Each unit of commercial use shall contain a minimum of two hundred fifty (250) square feet of gross floor area, and shall be furnished with a functioning smoke detector/alarm.

SECTION 17.16 INDUSTRIAL

1. Appropriate state and federal environmental control standards shall be applied.
2. Adequate visibility (a minimum of one hundred (100) feet) for traffic on major roads shall be insured at all points of ingress and egress on said property.
3. All structures shall conform to the appropriate requirements of ARTICLE FOURTEEN - SCHEDULE OF REGULATIONS and to ARTICLE EIGHTEEN - OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS AND STANDARDS of this Ordinance.

SECTION 17.17 MARINAS

1. All fuel storage and pumping facilities shall be separated from all other structures in accordance with appropriate state regulations.
2. Signs indicating the location of fuel or other flammable material shall be placed in appropriate locations and be clearly visible for a distance of at least fifty (50) feet.
3. Marina facilities, including fuel storage and pumping stations, shall have a minimum seventy-five (75) foot separation from adjacent residential property.
4. If bathing and swimming areas are present, they shall be co-designated by appropriate signs.
5. Boat docking and launching facilities shall have a minimum thirty (30) foot separation from designated bathing and swimming areas.

SECTION 17.18 MEDICAL AND/OR DENTAL CLINICS

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. Outside storage of trash and/or garbage shall be screened from view and shall be located in the rear or side yards and vehicular access to such storage area shall be maintained.

SECTION 17.19 MOBILE HOME PARKS

1. State of Michigan. Mobile homes in a mobile home park shall be installed according to manufacturer's setup requirements, and the construction of the unit shall comply with the National Manufactured Home Construction and Safety Standards Act of 1974, as amended (HUD Code).
2. Each mobile home park shall contain not less than five (5) acres of residential development. The layout of the park shall be in-accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety and welfare of the residents.

SECTION 17.20 MORTUARIES

1. Minimum lot size shall be one (1) acre.
2. A well-designed and landscaped off-street vehicle assembly area for funeral processions shall be maintained in addition to required off-street parking and related vehicle maneuvering space.
3. A caretaker's residence may be located inside the main facility.

SECTION 17.21 PALLET, SAW AND PLANER MILLS

1. Minimum lot size shall be ten (10) acres.
2. The set back from the front property line to the main structure shall be a minimum of one hundred (100) feet.
3. There shall be a minimum side and rear yard setback of two hundred (200) feet between the main and accessory buildings and all residentially zoned districts.
4. A fifty (50) foot buffer strip surrounding the lot must be provided.

SECTION 17.22 PLANT OR LANDSCAPE NURSERIES

1. Minimum lot size shall be one (1) acre.
2. The premises shall be surrounded by a masonry wall or screening fence at least four (4) feet in height only when adjacent to residential district.
3. Storage areas shall meet all applicable yard setback requirements.
4. Off-street loading and parking facilities shall be provided.
5. Organic plant food, soil or fertilizer shall be sufficiently packed or stored so as not to create adverse health effects or odors for neighboring properties or passersby.
6. An office and/or storage building shall be constructed or placed on the premises. Such building shall contain a minimum floor area of one hundred fifty (150) square feet and conform to all applicable yard setback requirements.

SECTION 17.23 PRIVATE CLUBS AND LODGES

1. The lot shall be located so that at least one (1) property line, to be used for vehicular entrance and exit, shall abut a major thoroughfare.
2. Retail sales to guests only shall be allowed; there shall be no external commercial facility or sales on the premises nor shall access to a commercial activity be allowed other than from within the main building.

SECTION 17.24 TOWER OR ALTERNATIVE TOWER STRUCTURE

17.24A Application Requirements

The following information shall be provided in support of an application to construct a wireless telecommunication tower.

1. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse.
2. A map depicting the existing and known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within two and one-half (2 1/2) miles surrounding the Township as well as within the proposed service area radius
3. The name, address and telephone number of the person to contact regarding site maintenance or other notification purposes. The tower owner shall periodically update this information
4. A statement indicating the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.

17.24B

Evidentiary Requirements

The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology. Evidence submitted to demonstrate that no existing tower, alternate tower structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or alternative tower structures are located within the geographic area which meet applicant's engineering requirements.
2. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements
3. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

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4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable microcell network using multiple low-powered transmitters / receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

17.24C Setbacks

The following setback requirements shall apply to all Towers and Alternative Tower Structures.

1. Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower from any adjoining lot line.
2. Guys and accessory buildings must satisfy the minimum zoning district set back requirements.

17.24D Security Fencing

Towers and/or alternative tower structures and attendant accessory structures for commercial use shall be enclosed by security fencing not less than six feet (6') in height or shall be equipped with an appropriate anti-climbing device.

17.24E State or Federal Requirements

The applicant must demonstrate that any proposed tower meets or exceeds current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna.

17.24F Aesthetics

Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment a visually unobtrusive as possible
4. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person with normal hearing ability at adjoining property lines or public property. However, this subsection shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

17.24G Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

17.24H Compliance with Codes

Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

17.24I Interference with Residential Reception

Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.

17.24J Signs

No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower.

17.24K Spacing Communication Towers

Communication Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.

17.24L Spacing, Residences

A commercial or an alternative tower structure shall not be located within two hundred feet (200') or three hundred percent (300%) of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this subsection shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.

17.24M Removal of Abandoned Antennas, Towers or Alternative Tower structures

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with removal, the owner shall restore the site of the antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users' cease using the tower. The Planning Commission may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of a special use permit given pursuant to this subsection.

SECTION 17.25 RESORTS

1. Minimum lot size shall be two (2) acre, unless camping and/or travel trailer facilities are included, in which case, the minimum lot size shall be five (5) acres.
2. Minimum side, front and rear yard setbacks shall be thirty (30) feet.
3. Public access to the site shall be located so as not to conflict with vehicular traffic to and
from adjacent uses or adversely affect the normal flow of traffic on adjacent streets.
4. Refuse and/or garbage receptacle shall be located in the rear or side yard of the property and adjacent vehicular access to such receptacle shall be provided.

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3. Where the front yard is used to provide access, a twenty (20) foot wide buffer strip shall be located adjacent to the street right-of-way, except for vehicular access points.
4. Each unit of commercial use shall contain a minimum of two hundred fifty (250) square feet of gross floor area.
5. A resort shall consist of five (5) or more dwelling units.

SECTION 17.26 ROAD SIDE STANDS

1. The gross floor area of the structure shall be not less than one hundred (100) square feet or more than six hundred (600) square feet, nor shall the structure be more than one (1) story in height.
2. Suitable rubbish containers shall be placed on the site.
3. The structure shall be located not less than twenty (20) feet from the road right-of-way.
4. Temporary off-street parking may be allowed in the required front-yard setback area. Such parking area need not be paved or treated with a surface covering.

SECTION 17.27 SOLID WASTE DISPOSAL SITES

1. All solid waste disposal sites shall conform to the requirements of the Michigan Department of Natural Resources for such facilities.
2. Waste disposal sites shall be located no closer than one-quarter (1/4) mile from any major thoroughfare of other public road.

SECTION 17.28 COMMERCIAL RIDING ESTABLISHMENTS

1. Commercial riding establishments may be allowed by special use permit in the A, FR, R-1 or C-1 districts, and horses may be kept for personal non-commercial use by special use permit in the R-2 district (the minimum lot size, including the residential dwelling, shall be one animal per acre), provided:
2. Structures used as stables shall not be located closer than sixty (60) feet to any adjacent property line or less than one hundred (100) feet from any adjacent residential dwelling.
3. Animals shall be paddocked in a suitable fenced area surrounding or adjacent to said stable to preclude their approaching nearer than ten (10) feet to any adjacent property line.
4. Stable and corral facilities shall be constructed in such a way that dust, noise, odor and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjoining properties.

SECTION 17.29 VEHICLE WASH ESTABLISHMENTS

1. All washing activities must be carried on within the structure.
2. Vacuum machinery shall be located to the rear of the structure and no closer than twenty-five (25) feet to any adjoining property.
3. Ingress and egress to and from the facility shall take place on the same lot which shall abut a major thoroughfare.
4. Minimum front yard setback for the main structure shall be fifty (50) feet; minimum side yard setback shall be twenty-five (25) feet; minimum rear yard setback shall be seventy-five (75) feet.

SECTION 17.30 SALE AND SERVICE OF NEW OR USED MOTOR VEHICLES, AGRICULTURAL MACHINERY, RECREATIONAL VEHICLES AND SIMILAR USES.

1. Sales lot, as well as all buildings, shall conform to the minimum yard setback requirements of the General Commercial District (C-2).
2. All exterior lighting, including signs, shall be hooded or shielded so that glare is directed away from view of adjacent properties and will not create a traffic hazard on abutting streets.
3. Adequate parking, loading and unloading areas shall be provided off street.
4. The outdoor sales lot surface shall be improved to a minimum of concrete, bituminous material or gravel.

SECTION 17.31 STRIPPING AND REMOVING OF SOILS

1. Minimum lot size should be five acres.
2. The applicant shall give assurances acceptable to the Planning Commission of installing pollution or nuisance devices or operational practices to minimize dust, smoke, noise, vibration, water pollution, surface water and ground water level impacts, hazardous waste discharge or spills, or visual effects of such operations. The Planning Commission may require a performance bond or similar assurance for such safe guards prior to approval.
3. If truck or heavy equipment traffic is anticipated to pass residential areas, the site plan shall include measures to minimize negative traffic impacts, including consideration of alternative truck routes where possible.
4. The site plan shall be submitted prior to beginning stripping and removal of soils.
5. As soon as practicable following the stripping and removal of soils of an area, the site shall be returned as far as possible to its natural state leaving enough soil to support vegetation and seeding the site, unless alternative plans, approved by the Planning Commission, are submitted by the owner or occupant. A site plan showing site reclamation shall be submitted prior to stripping or removal of soil.

6. A performance bond may be imposed at any time if the site plan and/or reclamation plan is not followed.

SECTION 17.32 SEXUALLY ORIENTED BUSINESS

1. No sexually oriented business shall be permitted at a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, park, school, child care organization place of worship, or residentially zoned property measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, park, school, child care organization, place of worship, or residentially zoned property.
3. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
4. The proposed use must meet all applicable written and duly promulgated standards of Harrisville Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
5. The outdoor storage of garbage and refuse shall be contained, screened from **view** and located so as not be visible from neighboring properties or adjacent roadways.
6. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
7. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) " Persons under the age of 18 are not permitted to enter the premises", and 2) " No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
8. No product or service for sale or gift or any picture or other representation of any product, or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
9. Hours of operation shall be limited to 8:00 AM to 12:00 midnight, Monday through Saturday.

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10. All off-street parking areas shall be illuminated during hours of operation of the sexually oriented business, and until one hour after the business closes.
11. Any booth, room or cubicle available in my sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - a. Is handicap accessible to the extent required by the Americans with Disabilities Act;
 - b. Is unobstructed by any door, lock or other entrance and exit control device;
 - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle or any occupant;
 - d. Is illuminated by a light bulb of wattage of no less than 25 watts;
 - e. Has no holes or openings in any side or rear walls.

SECTION 17.33 SITE CONDOMINIUMS

Pursuant to authority conferred by the Michigan Condominium Act (P.A. 59 of 1978) as amended, all condominium subdivision plans shall be reviewed and approved by the Planning Commission. In determining whether to approve a site condominium plan, the Planning Commission may consult with the Township Attorney, Township Engineer or Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

17.33A General Requirements:

1. **Condominium Lots:** For the purpose of this section, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district where located. In the case of a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Each Condominium Unit for a single family dwelling shall comply with the minimum lot area and dimensional lot requirements specified for a lot in the subject district.
2. **Revision of Site Condominium Plan:** If the site condominium plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued.

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3. **Amendment of Master Deed or Bylaws:** Any amendment to the master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan shall be reviewed and approved by the Planning Commission before any building permit may be issued. The Planning Commission may require its review of an amended site plan if; in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
4. **Development Agreement:** The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Township, incorporating therein the terms and conditions of final site plan approval, and record the same with the County Register of Deed.
5. **Relocation of Boundaries:** Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed
6. **Subdivision of Lots:** Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
7. **Private Streets:** All site condominium projects in which private streets are proposed shall be developed to County Road Commission requirements. Site condominium projects and condominium lots may abut public or private streets.
8. **Road rights-of-way:** Road rights-of-way shall be parcels separate from individual condominium lots, and shall be accurately delineated by bearings and distances on the site condominium plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities.
9. **As-Built Drawings:** A dimensionally stable copy of the as-built drawings shall be submitted to the Township and a second dimensionally stable copy shall be recorded with the County Register of Deeds.

17.33B

Site Condominium Plan Requirements:

1. The name, address and telephone number of: all persons, firms or corporation with an ownership interest in the land on which the site condominium project will be located together with a description of the nature of each entity's interest; all engineers, attorneys, planners, architects or registered land surveyors associated with the project; and the developer or proprietor of the condominium project.
2. The legal description of the land on which the site condominium project will be developed together with appropriate tax identification numbers.
3. The acreage content of the land on which the site condominium project will be developed.
4. The purpose of the project (for example, residential, commercial, etc.)
5. Number of site condominium units to be developed.
6. A survey plan of the site condominium project.
7. The site condominium plan shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The site condominium subdivision plan shall include the nature, location and approximate size of common elements and limited common elements.
8. A utility plan showing all electricity, natural gas, sanitary sewage disposal and water systems, lines and facilities.
9. A street construction, paving and maintenance plan for all private streets within the proposed site condominium project.
10. A storm drainage and storm water management plan, including all lines, drains, basins and other facilities.
11. A detailed site grading plan showing grade changes at two (2) foot intervals of all site condominium units, common areas, road rights-of-way and all other land areas within the proposed development shall be provided.

17.33C

Site Condominium Plan Review:

1. **Preliminary Site Plan:** A preliminary site plan shall be filed for approval at the time notice of action is filed with the Township. Preliminary site plans shall be reviewed and approved or denied by the Planning Commission. The preliminary site plan shall include all land that the developer intends to include in the site condominium project. The preliminary site plan shall include all information required herein, except in the case of single-family detached dwelling units. Dwelling units and required yards, shall be shown on the preliminary site plan. In those instances where dwelling unit plans are not known, the plan may show the building envelope provided such building envelope meets all side, front and rear setback requirements of the zoning district.

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2. **Final Site Plan:** A final site plan shall be filed for each phase of development shown on the approved preliminary site plan. Final site plans shall be reviewed and approved or denied by the Planning Commission. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has been approved by the Planning Commission. A final site plan shall include all information required by the Condominium Act and the master deed and bylaws. The final site plan shall also include all information required herein, except in the case of single family detached dwelling units. Location and dimensions of condominium units rather than individual buildings and required yards, shall be shown on the final site plan. The applicant shall provide proof of approvals by all County and State agencies required to review the site condominium plan, including but not limited to the County Road Commission, County Health Department, County Drain Commissioner and the Michigan Department of Environmental Quality. The Planning Commission shall not approve a final site plan until all County and State agencies required to review the site condominium plan have approved the site condominium plan.

17.33D Site Condominium Project Design and Approval

1. No permits for erosion control, building construction, grading or installation of water or sanitary sewage disposal systems shall be issued for property in a site condominium project until a final site plan has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums as defined in the Condominium Act (P.A. 59 of 1978) as amended.
2. The approval of any site condominium plan shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with the final site plan. If construction is commenced within the one (1) year period, then approval shall continue for a period of five (5) years from the date of approval, provided, however, that a lapse of more than one (1) year in continuous construction occurs, the approval shall expire. Prior to any expiration date, the developer shall be notified in writing not less than thirty (30) days in advance of the expiration date. The Building Inspector shall not issue a building permit for any type of construction on the basis of an approved site condominium plan after approval has expired. Fees for review of expired site plan may be waived if those instances where no substantial change in conditions of the site condominium plan nor of abutting uses has taken place. In those instances, where conditions have changed, the fee for review of expired site condominium plan for new site condominium plans shall be the same as for the initial submittal.

ARTICLE EIGHTEEN – OFF – STREET PARKING, LOADING AND UNLOADING REQUIREMENTS AND STANDARDS

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the requirements listed below, and including at least the minimum number of spaces required by the table in SECTION 18.02.

SECTION 18.01 PARKING REQUIREMENTS

1. Parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve.
3. Adequate space shall be provided in all parking areas to facilitate turning around of vehicles so that the entry on the highway may be in a forward manner and not by backing. Furthermore, in parking areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
4. **A minimum of one hundred sixty-two (162) square feet shall comprise one (1) vehicular** parking space or nine (9) feet by eighteen (18) feet.
5. Computation of floor area of buildings shall be exclusive of basements, cellars or attics where these areas are used for storage or utilities; calculated using the outside perimeter of building. In the case of a single story structure, the floor area may be reduced by ten (10) percent to accommodate storage or utilities.
6. The Township Planning Commission shall determine the required parking space not specified in **SECTION 18.02**.
7. Adequate area must be provided for snow piling. Handicap parking must be provided as required by State and Federal regulations. Designation of parking area must be clearly identifiable for use by the public.

SECTION 18.02 MINIMUM NUMBER OF PARKING SPACES PER UNIT

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| 1. | Banks, business offices, studios and professional offices of Architects, lawyers, and similar professions. | Three (3); plus one (1) additional space for each three hundred (300) square feet of floor area. |
| 2. | Barber shops and beauty parlors. | Two (2) for each operator chair; plus One (1) for each two (2) employees. |
| 3. | Bowling establishments. | Five (5) spaces for each bowling lane. |
| 4. | Churches, theaters and auditoriums except schools. | One (1) for each four (4) seats; plus, one (1) for each two (2) employees. |
| 5. | Community center, library, museum or art center. | One (1) space for each two hundred (200) square feet of floor area. |
| 6. | Dwellings. | Two (2) for each dwelling unit. |
| 7. | Hospitals, clinics and similar establishments. | One (1) for each bed and/or examining room; plus one (1) for each two (2) employees on maximum working shift; plus, one (1) for each two hundred (200) square feet of floor area. |
| 8. | Laundromats. | One (1) for each two (2) washing machines and/or dry cleaning machines. |
| 9. | Hotels, motels, tourist homes and lodging house. | One (1) for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift. |
| 10. | Manufacturing of industrial | Two (2) for each two (2) employees on maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment. |
| 11. | Plumbing, printing and similar service shops and businesses. | One (1) for each employee; plus one (1) for each three hundred (300) square feet of floor area |

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| 12. Private clubs, night club, dance halls and similar recreational establishments. | One (1) for each one hundred (100) square feet of floor area. |
| 13. Professional offices of doctors, dentists and similar professions. | One (1) for each one hundred (100) square feet of floor area or a minimum of four (4) spaces, whichever is greater. |
| 14. Restaurants, and similar establishments for sale and service of food and drink, except liquor and drive-ins. | One (1) for each one hundred (100) square feet of floor space. |
| 15. Retail stores. | One (1) for each one hundred fifty (150) square feet of floor area. |
| 16. High Schools. | One (1) for each six (6) seats in main auditorium or one (1) for each employee; plus one (1) for each four (4) students, whichever is greater. |
| 17. Schools (except High Schools). | One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater. |
| 18. Home occupations. | Two (2) spaces for dwelling use; plus additional spaces as determined by Planning Commission to accommodate customers or clients. |
| 19. Auto repair and service stations. | Two (2) spaces for each service bay; plus one (1) space for each employee on maximum working shift. |
| 20. Bed and breakfast establishments. | Two (2) spaces for the operator; plus one (1) for each guest room; plus one (1) space for each non-resident employee. |

SECTION 18.03 LOADING AND UNLOADING SPACE

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway.

ARTICLE NINETEEN – OUTDOOR ADVERTISING SIGNS

SECTION 19.01 PURPOSE

This section is intended to regulate and limit the construction or reconstruction of signs and billboards. Such signs that will not, by reason of their size, location, construction or manner of display, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety or otherwise endanger public welfare, shall be permitted except as otherwise provided for in this ordinance.

SECTION 19.02 DEFINITIONS

As used in this ordinance, the following words shall have the meanings described below:

1. **Area of Sign** - The entire area within a circle, square, rectangle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Where the sign has two or more faces, the area of all faces shall be included in computing the area of the sign, except:
 - a. If two such faces are placed back-to-back, the area of the sign shall be computed as the area of one face.
 - b. If such faces are of unequal area, the larger of the two faces shall determine the area.

Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on the wall of a building or a self-supporting wall or fence, without a distinguishing border, the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six inches from such sign elements.

2. **Awning/Canopy Sign** -A sign displayed and affixed flat on the surface of a retractable or fixed shelter projecting from and supported by the exterior wall of a building.
3. **Billboard** - A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
4. **Construction Sign** - A sign identifying the names of project participants, such as developers, contractors, engineers, architects and financial institutions, which is located on a site being developed or improved.

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5. **Directional Sign** - An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, i.e. parking or exit and entrance signs.
6. **Double-Faced Sign** - A sign with two faces and constructed back to back.
7. **Festoons** - A string of ribbons, tinsel, small flags or pinwheels.
8. **Freestanding Sign** - A sign supported upon the ground by poles or braces and not attached to any building.
9. **Identification Sign** - A sign that identifies the business, owner or resident and/or the street address and which sets forth no other advertisement.
10. **Illuminated Sign** - A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from the abutting property.
11. **Institutional Bulletin Board** - A sign containing a surface area upon which is played the name of a religious institution, school, library, community center or similar institution and the announcement of its institutional services or activities.
12. **Marquee Sign** - A sign attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the exterior wall of a building.
13. **Non-Conforming Sign** - A sign which lawfully occupied a building or land at the effective date of this ordinance, that does not conform to the regulations of the district in which it is located.
14. **Off-Premise Sign** - A sign other than an on-premise sign.
15. **On-Premise Sign** - A sign identifying or advertising a business, person, activity or service located on the premises where the sign is located.
16. **Pole Sign** - A sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
17. **Political Sign** - A temporary sign used to publicize a political candidate, proposal or action in an upcoming election. Political signs may be installed not sooner than **sixty** (60) days prior to the election date, and shall be removed within fifteen (15) days following the election date.
18. **Portable Sign** - A free-standing sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, "A" frame, "T" shaped or inverted "T" shaped sign structures.
19. **Projecting Sign** - A sign which projects from and is supported by a wall of a building and does not extend beyond or into and over street right-of-way.
20. **Real Estate Sign** - A sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.

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21. **Roof Sign** - Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.
22. **Sign** - Any devise, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.
23. **Subdivision Sign** - A sign placed at the primary entrance to a subdivision, containing information only about the subdivision. This term also refers to signs at the primary entrance to a mobile home park, multiple-housing development, condominium development, or planned unit development (PUD). Such signs shall have no moving parts, shall be no higher than fifteen (15) feet from the ground and no closer than fifty (50) feet to any public right-of-way line.
24. **Temporary Sign** - A display, informational sign, banner or other advertising device with or without a structural frame and intended for a limited period of display, including seasonal produce sales, decorative displays for holidays or public demonstrations.
25. **Wall Sign** - A sign which is attached directly to or painted upon a building wall and which does not extend more than eighteen (18) inches therefrom nor more than three (3) feet above the roof line, with the exposed face of the sign in a plane parallel to the building wall.

SECTION 19.03 ZONING PERMIT

A zoning permit shall be required for the erection, construction or alteration of any sign, except residential name plates. Signs not exceeding thirty-two (32) square feet signs shall be approved by the Zoning Administrator as to their conformance with the requirements of the zoning district in which they are located and the requirements of their section. Signs exceeding thirty-two (32) square feet shall be approved by the Planning Commission. The zoning permit shall be renewed at five year intervals.

The Zoning Administrator shall have the authority to approve, disapprove or remove with just cause any applications for the renewal of a permit. Signs not maintained in an acceptable condition are in violation and shall be removed.

SECTION 19.04 SIGNS PROHIBITED

Any sign not expressly permitted by this ordinance is prohibited. Off-premise signs are prohibited, except for billboards in the Industrial District.

SECTION 19.05 SIGNS PERMITTED

All directional signs for orientation of the general public, when erected by the township, county or state, shall be permitted in all districts.

Signs are permitted according to the district in which they are located or intended to be located. Certain types of signs are permitted in certain districts according to the following regulations:

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19.05A EC, FR and A Districts:

The following types of on-premise signs are permitted:

1. On Premises Advertising Sign - for principal uses other than dwellings, shall not exceed thirty-two (32) square feet in area and set back at least twenty-five (25) feet from the front lot line.
2. Identification Sign - one (1) per dwelling unit not exceeding four (4) square feet in area; and one (1) per business not exceeding eight (8) square feet in area.
3. Temporary Sign - one (1) per premises advertising produce raised on said premises not exceeding thirty-two (32) square feet in area; set back from any right-of-way at least fifteen (15) feet, and removed from view during seasons when said produce is not normally considered in season.
4. Real Estate Sign - one (1) per premises or building and located only while said real estate is actually on the market for sale, rent or lease not exceeding sixteen (16) square feet in area and set back at least fifteen (15) feet from the front lot line. Two (2) real estate signs may be permitted if said property fronts two (2) roads or streets.

19.05B R-1 and R-2 Residential Districts

No sign shall be illuminated by other than continuous indirect white light, nor shall it contain any visible moving parts. The following types of on-premise signs are permitted:

1. On-Premises Advertising Sign - For principal uses other than dwellings, shall not exceed eight (8) square feet in area and not be located nearer to the front lot line than one-half (1/2) the required front yard setback, nor located in the required side or rear yard setback.
2. Identification Sign - one (1) per dwelling unit not exceeding four (4) square feet in area; and one (1) per business not exceeding eight (8) square feet in area.
3. Institutional Bulletin Board - one (1) sign per public or semi-public institution, located on-premises not exceeding thirty-two (32) square feet in area, and set back at least twenty-five (25) feet from the front lot line and ten (10) from the rear and side lot lines.
4. Real Estate Sign - one (1) per premises or building and located on same premises or building only while said real estate is actually on the market for sale, rent or lease not exceeding sixteen (16) square feet in area and set back at least fifteen (15) feet from the front lot line. Two (2) real estate signs may be permitted if said property fronts two (2) roads or streets.

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5. Subdivision Sign - one (1) per subdivision, multiple housing complex, or mobile home park, continuously and properly maintained not exceeding eighty (80) square feet in area and set back at least fifty (50) feet from any property or right-of-way line.
6. Temporary Sign - on-premises or off-premises sign advertising real estate in a subdivision being for sale, rent or lease not exceeding sixty-four (64) square feet in area and subject to approval by the Zoning Administrator for periods of up to twelve (12) months as long as the sign conforms to the conditions of approval and said real estate is actively on the market for sale, rent or lease. The number of off-premises signs shall be limited to that reasonably necessary to direct the public to the location of the development.

19.05C C-1 and C-2 Districts

The following types of on-premise signs are permitted:

1. Same as for R-1 Residential District except as otherwise stated in this section. No sign shall project beyond a wall or architectural feature by more than one (1) foot nor project above or beyond the highest point of the roof or parapet.
2. Two (2) advertising signs per principal business or commercial use as follows: One (1) only Wall Sign, Roof or Portable Sign less than sixteen (16) square feet in area. One (1) only Pole Sign not more than seventy-five (75) square feet per side and not more than twenty (20) feet high measured from the ground, or, one (1) Marquee, Awning or Canopy Sign not to exceed one hundred fifty (150) square feet in area and set back from the front lot line at least ten (10) feet.
3. For automobile service stations and gas filling stations, one (1) Pole Sign shall be permitted per premises per frontage street, and setback from any right-of-way at least twenty-five (25) feet and fifty (50) feet from any adjacent residential use. All related signs shall be on-premise signs.

19.05D Industrial/Extractive Districts

No sign shall be located nearer than one-half (%) the required yard setback for the front lot line or side lot lines. The following types of signs are permitted:

1. Same as for C-1 and C-2 Districts, except that Projecting Signs are permitted.
2. Billboard - where the erection or maintenance of same will not unreasonably affect the proper use of adjoining property, at least one hundred (100) feet from any highway right-of-way, not to exceed a sign area of fifteen (15) feet in height and twenty (20) feet in length, and subject to Planning Commission approval. In addition to the above standards all billboards must conform to the requirements set forth in Michigan P.A. 106 (1972) Highway Advertising Act.

SECTION 19.06 ILLUMINATION

There shall be no flashing, oscillating or intermittent, red, yellow or green illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred (100) feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

SECTION 19.07 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.

All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements as determined by the Zoning Administrator.

SECTION 19.08 BOARD OF APPEALS

The Township Board of Appeals may, upon application by a property owner, modify the specifications of this article where no good purpose would be served by strict compliance with same.

ARTICLE TWENTY – PLANNED UNIT DEVELOPMENT

SECTION 20.01 PURPOSE

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility within the existing FR and C-1 Zoning Districts using the special use permit procedure. It has the potential of eliminating the current single-family, large-scale residential design and substituting in its place a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement, and upgrades the overall quality of new residential construction.

SECTION 20.02 PROCEDURES FOR APPLICATION AND APPROVAL

1. The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and the Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request representatives from county and township agencies (fire department, county parks and recreation commission, county sheriff, county road commission and other such agencies) to attend such informal conferences.
2. After such informal conferences, the applicant shall then file a preliminary development plan with the Zoning Administrator for purposes of obtaining a special use permit during which time the application shall be scheduled to be reviewed by the Planning Commission at a public hearing scheduled within forty-five (45) days of the receipt of the preliminary plan by the Zoning Administrator.

SECTION 20.03 CONCEPT PLAN REQUIREMENT

The applicant shall submit during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation; commercial and industrial areas, if applicable; conformity of the proposed development with surrounding uses; financing of the project; type of homeowners' organization, if any; and all other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.

SECTION 20.04 PRELIMINARY PLAN REQUIREMENTS

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a special use permit.

The preliminary plan must be more detailed than the concept plan and contain the following:

1. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development including phasing of residential, public and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.
2. Graphic presentations including a base map with topographic identification (preferably using five (5) foot contour intervals) and important environmental features including water bodies, vegetation (type and size) and soils. Additional maps should contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and a general description of the architectural and landscape elements on the perimeter of the planned development.

SECTION 20.05 FINAL PLAN REQUIREMENTS

Following approval of the preliminary plan, the applicant shall submit a final plan. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan. The final plan shall include enough detail in written and graphic presentation to assure the Township Board that the proposed Planned Unit Development will conform to all state and local requirements as well as reflect, as closely as possible, the finished Planned Unit Development.

SECTION 20.06 APPROVAL OF FINAL PLAN

1. Upon submittal of the preliminary plan to the Planning Commission and approval of a special use permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year from the date of approval of the special use permit present to the Zoning Administrator the final development plan. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within thirty (30) days of such submittal.

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- 2 The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met: (1) the final plan does not violate the content of the ordinance; (2) the lot area requirement has not been changed by more than ten percent (10%); (3) land reserved for open space (common and usable) has not been reduced by more than ten percent (10%); and (4) the total building coverage has not increased by more than five percent (5%).
- 3 The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan.
4. Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easements, agreements, the final draft of articles of incorporation, and any indentures as well as dedications, shall be submitted by the applicant.
5. The final development plan shall be reviewed by the Planning Commission and members of other appropriate agencies. The Planning Commission shall then approve the final plan, disapprove it or approve it with modifications. No public hearing is necessary, and if approval is given by the Planning Commission, the legislative body shall accept and record site maps and plans, dedicated streets, properties and open spaces, rights-of-way, and any additional dedications within the development.

SECTION 20.07 DESIGN REQUIREMENTS

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUD's.

20.07A Density: Density increases can be allowed for Planned Unit Development over and above those allowed in the FR and C-1 Zoning Districts. Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than ten (10) acres. It should be controlled by one (1) owner or group of owners, and be planned and developed as a single unit.

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20.07B Lot Size Variations:

Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities, such as easements and flood plain areas, shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed.

Density increases are to be permitted for the following amenities:

1. Character, identity, architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen percent (15%), provided these factors make a substantial contribution to the objectives of a Planned Unit Development.
2. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase which the Planning Commission shall approve.

20.07C Open Space:

Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public).

The following open space requirements shall be adhered to in all PUD's to provide for the integration of efficient and extensive areas into the existing open space system of the community.

1. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at least forty percent (40%) of the total gross area.
2. Not less than fifty percent (50%) of the net area of the property shall be open space devoted to planting, patios, walkways and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways and all other paved vehicular ways and facilities. Common open space shall comprise at least twenty-five percent (25%) of the gross area of the Planned Unit Development to be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development.

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3. Active open spaces for recreational purposes should not be less than six thousand (6,000) square feet in area.
4. Any portions of the PUD site, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.

20.07D Homeowners Association: Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government.

If the developer chooses to institute a homeowners association, the following minimum criteria must be met:

1. The homeowners' association must be set up before the homes are sold.
2. Membership must be mandatory for each home buyer and any successive buyer.
3. The open space restrictions must be permanent, not just for a period of years.
4. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
5. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
6. The association must be able to adjust the assessment to meet changed needs. The above stipulations have the advantage of insuring the economic viability of the homeowners' association and preserving open space areas within the community.

The developer must file a restrictive covenant with the County Register of Deeds at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes, or for other open space uses desired by the homeowners' association.

20.07E Environmental Design Requirements: The Planning Commission shall require the following in accordance with applicable provisions of this ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20%) or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

20.07F Traffic Circulation: Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUD's should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

20.07G Private Streets: Private streets, particularly in Planned Unit Developments must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the fire chief, sheriff, county drain commission, road commission and the Planning Commission authorizes such modifications within the PUD, and health, safety and welfare requirements are met.

For purposes of utility easements, all private streets in the PUD with underground utilities should be dedicated to the local government, which will maintain these streets.

Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to, unless modification is permitted by the Planning Commission.

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TYPE OF STREET	USES SERVED	REQUIRED FOOTAGE	
		RIGHT-OF-WAY	PAVEMENT
Residential dead end or local street	1-6 dwellings	30	18
	7-20 dwellings	40	24
	21-50 dwellings	50	30
Residential Collector	51-200 dwellings	60	36
Neighborhood Collector	Over 200 dwellings or any commercial use	60	36

These standards are commensurate with traffic flow and safety standards for various densities.

20.07H Parking Standards:

Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum requirements shall be adhered to:

1. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
2. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
3. Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, changes in grade or walls.
4. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
5. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
6. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage.
7. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding or other inconveniences.

20.07I Perimeter Treatment:

To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30) foot buffer zone shall be established on the perimeter of the development in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established.

In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

SECTION 20.08 GENERAL STANDARDS

The principal advantage of a Planned Unit Development, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The following guidelines shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zones.

20.08A Building Spacing: When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings. Those residences which have no windows or windows at higher levels, and have adequate light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configuration incorporate the above criteria, and have unusual shapes, the spacing of structures may be reduced.

20.08B Front Yard Requirements: In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front yard requirements may be reduced.

20.08C Lot Width Requirements: Those lots which have an awkward configuration, yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation and access.

20.08D Building Heights: To insure adequate light, ventilation and open space amenities in the PUD, while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty (30) feet should be instituted.

ARTICLE TWENTY-ONE – ADMINISTRATION AND ENFORCEMENT

SECTION 21.01 ENFORCEMENT

The provisions of this ordinance shall be administered and enforced by a Township Zoning Administrator and/or deputy of same, designated and appointed by the Township Board. Said Zoning Administrator and/or deputy shall be compensated, subject to conditions and rate of pay as determined by the Township Board. The Zoning Administrator shall, among other duties, issue all permits and notices of violations provided for in this Ordinance. If the Zoning Administrator shall find any violations of this ordinance existing within the township, he shall notify in writing the person or persons responsible for such violations, indicating the nature of the violation and ordering any and all action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings and structures, or of illegal additions and/or alterations. The Zoning Administrator shall also order discontinuance of illegal work in progress, and shall take any further actions necessary to cause conformance with the requirements and intent of this Ordinance.

SECTION 21.02 FEE SCHEDULE AND ESCROW ACCOUNT FOR ZONING FEES

21.02A To assist in defraying the costs of investigating reviewing and administering zoning application, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to Harrisville Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:

1. Zoning permits.
2. Site plan reviews.
3. Sign permits.
4. Special use permits.
5. Planned Unit Development permits.
6. Classification of unlisted property uses.
7. Appeals to or requests for interpretations by the Zoning Board of Appeals.
8. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission or the Zoning Administrator shall not be subject to a zoning fee.
9. Requests for variances from the Zoning Board of Appeals.

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10. Requests for rezoning of property by individual property owners.
11. Rezoning of property initiated by the township Board or the Planning Commission shall not be subject to a zoning fee.
12. Any other discretionary decisions by the Planning Commission or the Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearing, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

21.02B If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fee will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Clerk such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this section shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal.

Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

SECTION 21.03 ZONING PERMITS

21.03A No building shall be constructed, altered, enlarged upon or moved, except as otherwise provided for in this ordinance, without a zoning permit issued by the Zoning Administrator. No permit shall be issued except in strict conformance with the regulations set forth in this Ordinance.

21.03B The Zoning Administrator shall have the authority to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

21.03C It shall be illegal for the Zoning Administrator to issue any permits or approve any plans for construction or excavation until he has inspected such plans in detail, and finds them to be in conformance with this Ordinance.

SECTION 21.04 ZONING LAND USE PERMIT APPLICATION

21.04A The Zoning Administrator shall require that every application for a zoning permit for excavation of land, and construction, removal, demolition or alteration of buildings, or change in type of use or type of occupancy be filed in quadruplicate and accompanied by a written statement, and dimensioned plats or plans drawn to scale showing the following:

1. The actual shape, dimensions and location of the lot.
2. The shape, size, location and dimensions of all buildings and structures to be constructed, altered, demolished or removed, and of any other buildings currently existing on the lot.
3. The uses of, and structures existing on, adjacent lots.
4. 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
5. The location and type of proposed septic and water systems.
6. The signature of the fee holder owner of the premises concerned.
7. Other such information concerning the premises or adjoining property as is deemed necessary by the Zoning Administrator to properly enforce the requirements of the ordinance.
8. Zoning permits SHALL be required for all construction.

21.04B One copy of the application shall be returned to the applicant by the Zoning Administrator. If the application does not conform to the Ordinance, all copies shall be marked as disapproved and signed by the Zoning Administrator. One (1) copy shall be retained and maintained on file by the Zoning Administrator for public inspection upon request during normal business hours. One (1) copy shall be retained by the Township Clerk, and one (1) copy shall be retained by the Township Assessor.

21.04C The approval of the application and the issuance of the zoning permit shall not be binding upon the Township Board or Zoning Administrator if it is subsequently discovered that the plans or the completed buildings are not in full compliance with the provisions of the Zoning Ordinance, and all other applicable rules and regulations.

SECTION 21.05 EXPIRATION OF ZONING PERMIT

The approved zoning permit shall expire if the work described in the permit has not begun within a period of one (1) year from the date of issuance. Re-application for permit would be required unless an extension has been applied for prior to expiration.

SECTION 21.06 CONFORMANCE WITH APPROVED PLANS

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator shall apply only to those uses, arrangements and construction authorized in the permit. All other uses and structures at variance with the authorized permit shall be deemed in violation of this Ordinance and punishable as provided in SECTION 21.07.

SECTION 21.07 VIOLATIONS, CORRECTIONS AND PENALTIES

1. The violation of any provisions of this Ordinance by any person, firm, corporation or association is hereby designated as a municipal civil infraction.
2. The Township Zoning Administrator and/or deputy of same are authorized to issue municipal civil infraction citations.
3. The Township Zoning Administrator and/or deputy of same shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation. The owner shall within forty-eight (48) hours after receipt of notification of violation, suspend operation and/or construction of conditions found to be in violation. Upon suspension of sad non-conforming use, the owner may correct conditions found to be in violation within sixty (60) days following issuance of written notice to correct. If the violation is not corrected within the sixty (60) day period, or if the owner neglects or refuses to suspend operation and/or construction of conditions found to be in violation, the Zoning Administrator shall issue a municipal civil infraction citation.

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4. "Municipal Civil Infraction" means a civil infraction as defined by Section 113 of the Revised Judicature Act of 1961, being Act No. 236 of the Public Acts of 1961, as amended (the "Act"), involving a violation of this Ordinance.
5. "Citation" means a written complaint or notice to appear in court upon which an authorized local official records the occurrence or existence of one or more municipal civil infractions by the person, corporation, or association cited (the "defendant").
6. "Municipal Civil Infraction Action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
7. A municipal civil infraction action may be commenced upon the issuance by an authorized local official of a citation directing the defendant to appear in court.
8. A citation shall be issued and served by an authorized local official in accordance with the provisions of Section 8707 and 8709 of the Act.
9. A citation shall contain the information required under Section 8709 of the Act.
10. An authorized local official may issue a citation to a defendant (1) if the official witnesses a defendant commit a violation of this Ordinance; (2) or if, based upon investigation, the official has reasonable cause to believe that the defendant is responsible for a violation of this Ordinance; (3) or if, based upon investigation of a complaint by someone who allegedly witnessed the defendant commit a violation of this Ordinance, the official has reasonable cause to believe that the defendant is responsible for a violation of this Ordinance, and if the Township Attorney approves in writing the issuance of the citation.
11. Failure of the defendant to appear within the time specified on a citation or at the time scheduled for a hearing or appearance is a misdemeanor punishable by up to 90 days in jail and/or up to a \$500.00 fine plus costs of the prosecution and will result in entry of a default judgment against the defendant on the municipal civil infraction.
12. Any person, firm, or corporation who violated, neglects, omits or refuses to comply with the provisions of this Ordinance, or any permit or exception granted, or any lawful requirement of the Zoning Administrator, shall be responsible for municipal civil infraction and subject to a civil fine in accordance with the following schedule
 - a. First (1st) violation within three (3) year period \$ 50.00
 - b. Second (2nd) violation within three (3) year period \$100.00
 - c. Third (3rd) violation within three (3) year period \$300.00

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13. If a defendant fails to comply with an order or judgement issued pursuant to Section 8727 of the Act within the time prescribed by the court, the court may proceed under Section 8302, 8729, and 8731 of the Act, as applicable.
14. If a defendant does not pay a civil fine or costs or and ordered installment within 30 days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the Township may obtain a lien against the land, building or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for the count in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated into or attached to the court order. A lien is effective immediately upon recording of the court order with the Register of Deeds. The court order recorded with the Register of Deeds shall constitute notice of the pendency of the lien.

In addition, the Township shall send a written notice of the lien by first-class mail to the owner of record of the land, building, or structure at the owner's last known address. The lien may be enforced and discharged by the Township in the manner prescribed by Section 8731 of the Act.

15. Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to the applicable fine, cost, penalties, and sanctions as a separate offense.
16. In addition to any remedies available at law, the Township may bring an action for an injunction or other process against a defendant to restrain, prevent, or abate any violation of this Ordinance.

**SECTION
AUTHORITY**

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Act 184 of 1943 (the Township Rural Zoning Act), as amended. The Board of Appeals shall perform its duties and exercise its powers as provided in the above act in such a way that the objectives of this ordinance shall be observed, the public health, safety and welfare assured and justice served.

SECTION 22.02 BOARD MEMBERSHIP

22.02A The Township Board of Appeals shall consist of the following three (3) members:

1. The first member of the Board of Appeals shall be a member of the Township Planning Commission.
2. The second member shall be a member of the Township Board appointed by the Township Board. However, an elected official of the Township shall not serve as chairperson of the Board of Appeals.
3. The third member shall be selected and appointed by the Township Board from among the electors residing in the Township.
4. An employee of, or contractor to, the Township may not serve as an employee or member of the Township Board of Appeals.

SECTION 22.03 EXPENSES

The total amount allowed by the Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of its duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

SECTION 22.04 TERMS OF OFFICE

The term of each member shall be for three (3) years, except that the terms of the members of the first (1st) board appointed shall be as follows: The first member shall serve for three (3) years; the second member for two (2) years; and the third member for one (1) year.

Members of the Board of Appeals may be removed by the Township Board for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself from any vote in which he has a conflict of interest. Failure to do so shall constitute misconduct in office.

SECTION 22.05 REQUIRED HEARINGS

The Board of Appeals shall hear and decide all matters properly referred to the Board, or upon which the Board is required to act, under any ordinance adopted pursuant to Act 184 of 1943, as amended.

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SECTION 22.06 MAJORITY VOTE

The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which they are required to pass under any such ordinance, or to effect any variation in such ordinance.

SECTION 22.07 BOARD MEETINGS

The Board of Appeals shall not conduct business unless a majority of members are present. Meetings of the Board of Appeals shall be held at the call of the chairman, and at other such times and places as the Board of Appeals may determine. All meetings shall be open to the public. The Board of Appeals shall keep minutes of all its proceedings and shall keep records of its findings proceedings at hearings and other official actions, all of which shall be immediately filed in the office of the Township Clerk, and shall be a public record. The Board of Appeals shall adopt its own rule of procedure for its meetings.

SECTION 22.08 APPEAL

The Board of Appeals shall, when called upon, act upon all questions as they arise in the administration of this zoning ordinance, including interpretation of the township zoning map. Such an appeal may be taken by any person aggrieved, or by an officer, department board or bureau of the county or state. It shall hear and decide appeals from and review any order, requirements, decisions or determination made by the administrative official and/or planning commission charged with enforcement of any ordinance adopted pursuant to the provisions of Act 184 of 1943, as amended.

- 1. Grounds for Appeal:** The grounds for any such determination shall be stated in the records of the Board's proceedings.
- 2. Timing of Appeals:** An appeal shall be taken within such time as shall be prescribed by the Board of Appeals by filing with the officer from whom the appeal is taken, and with the Board of Appeals' written notice of appeals specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
- 3. Stays:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning officer certifies to the Board of Appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court or application, on notice to the Zoning Administrator and on due cause shown.

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4. **Time, Notices, Appearance:** The Board of Appeals shall fix a reasonable time for the hearing of an appeal, and shall give due notice thereof to all parties concerned. Any party may appear at the hearing in person or may be represented by his agent or attorney. The Board shall render a decision within a reasonable period of time.

In deciding upon matters referred to, or upon which it is required to act under this ordinance, the Board of Appeals shall, after public notice and hearing, take into consideration the public health, safety and general welfare, and apply appropriate conditions and safeguards in conformity with the general purpose and intent of this Ordinance and the Act 184 of 1943, as amended.

SECTION 22.09 POWERS OF THE BOARD

The Board of Appeals may revise or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in a particular case, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

SECTION 22.10 GRANTING OF VARIANCES

Where there are practical difficulties or unnecessary hardships deterring the carrying out of strict interpretation of this ordinance, the Board of Appeals shall have the powers, in passing of appeals, to vary or modify any of the rules, regulations or provisions of the ordinance, by granting variances, provided that any variation granted from this ordinance:

1. Will not be contrary to the public interest.
2. Will not permit the establishment within a district of any use which is not permitted by right within that district.
3. Will not cause a substantially adverse effect upon property values.
4. Will relate only to the property under the control of the appellant.
5. Will not jeopardize the preservation of a substantial right, so that the spirit of this ordinance shall be observed, public safety secured and substantial justice done.
6. Will not adversely affect the intent of this ordinance.
7. Will not impair the adequate supply of air and light to any adjacent property.
8. Will not increase the hazards from fire, flood or other natural or manmade dangers.
9. Will not increase traffic congestion.
10. Will not produce nuisance conditions to occupants of nearby premises, whether by reason of dust, noise, fumes, odors, vibration, smoke or excessive light.
11. Will not otherwise impair the public health, safety and general welfare of the residents of Harrisville Township.

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12. The Board of Appeals, in hearing and deciding appeals, shall have the authority to:
 - 12.1 Permit the erection and use of a building or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established.
 - 12.2 Permit the modification of the off-street motor vehicle parking space as loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
 - 12.3. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape and size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soils and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste.
 - 12.4 Permit the modification of site plan review standards, as may be established in this ordinance, where physical hardship and unusual circumstances peculiar to the property in question exist.

SECTION 22.11 APPROVAL PERIODS

No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within the said period: provided, however, that such order shall continue in force and effect, if a permit for said erection or alteration has been obtained, and said work is started and proceeds to completion in accordance with said permit.

SECTION 22.12 FINAL ACTION ON APPEALS

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court on questions of law and fact.

SECTION 22.13 FEES

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk to be credited to the General Revenue Fund.

ARTICLE TWENTY-THREE – AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by Act 184 of the Public Acts of 1943, as amended, for the enactment of the original Ordinance. It shall be necessary to publish only the section or sections to be amended, or added to the Ordinance. The procedure for said amendments or supplements shall be as follows.

SECTION 23.01 INITIATION

Proposals for amendments or supplements may originate with the Township Board, with the Planning Commission, or by written request of a property owner. The request must be accompanied by a fee as adopted by the Township Board.

SECTION 23.02 REFERENCE TO PLANNING COMMISSION

1. Regular Meetings - Each proposed amendment of supplement shall be referred to the Planning Commission for its consideration and recommendation.
2. Special Meetings - If a petitioner for a proposed amendment or supplement requests the Planning Commission to make consideration or recommendation, at a meeting other than those regularly scheduled, petitioner will be required to pay additional costs.

SECTION 23.03 PUBLIC HEARING

The Planning Commission shall hold at least one public hearing based on its recommendations as required by Section 9 and 14 of Act 184 of the Public Acts of 1943, as amended.

SECTION 23.04 SUBSEQUENT PROCEDURES

Following approval of the County Coordinating Zoning Committee, the procedure shall proceed in accord with the provisions of Section 11 of the aforesaid Act, including the provisions of Act 191 of the Public Acts of 1939.

Ordinance and each part thereof irrespective of the fact that any one or more parts, section, subsection, phrase, sentence or clauses be declared invalid.

The provisions of this Ordinance are hereby declared to be necessary for the public welfare, health, peace, morals and safety of the inhabitants of Harrisville Township, and shall be in effect thirty days following publication.

**ARTICLE TWENTY-FOUR – REPEAL OF PRIOR ORDINANCE,
SEVERANCE AND ENACTMENT**

The Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

All parts of this Ordinance shall be deemed severable. Should any Section, paragraph, or provision be declared invalid or unconstitutional by the courts, such holdings shall not affect the Validity of the Ordinance as a whole or any part thereof, other than the part so declared. The Township Board hereby declares that it would have enacted this Ordinance and each part thereof irrespective of the fact that any one or more parts, section, subsection, phrase, sentence or clauses be declared invalid.

The provisions of this Ordinance are hereby declared to be necessary for the public welfare, health, peace, morals and safety of the inhabitants of Harrisville Township, and shall be in effect thirty days following publication.