

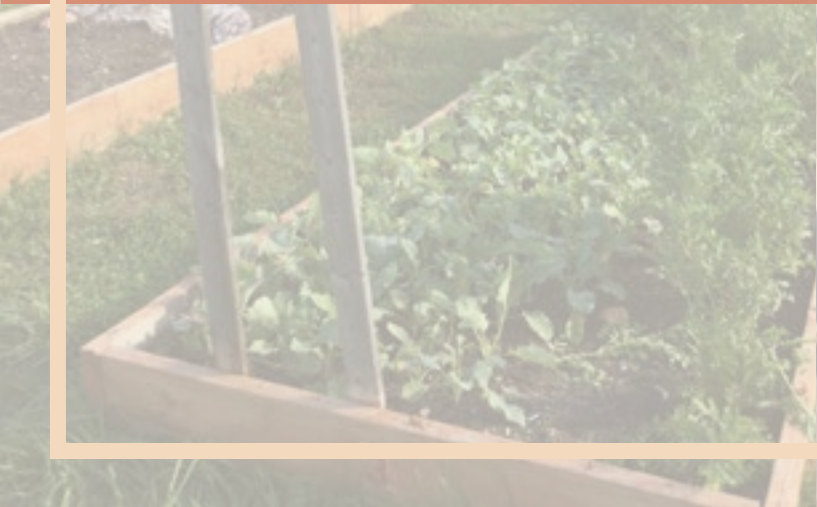


THE CITY OF HARRISON



ZONING ORDINANCE

2017





The Rising Tide project supports vibrant, thriving communities to attract business investment and talent by creating a sustainable path toward economic stability and growth. The Michigan Economic Development Corporation, Talent Investment Agency, and Michigan State Housing Development Authority—collectively, the Talent and Economic Development (TED) team—have committed their assets to engaging specific communities across the state in order to empower them to shape their future and maximize economic potential. This document was produced as part of that effort.



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ARTICLE 1 - TITLE AND PURPOSE

1.1 TITLE

The City of Harrison in accordance with the enabling legislation for Municipal Zoning as provided in Act 110 of 2006 (M.C.L. 125.3101 et seq.) and P.A. 33 of 2008 (M.C.L. 125.3801 et seq.) hereby provides as follows: a Zoning Ordinance which shall be known as and may be cited as the "City of Harrison Zoning Ordinance" of the City of Harrison, as amended, and is referred to as the "Zoning Ordinance."

1.2 AREA OF JURISDICTION

The provisions of this Zoning Ordinance apply to all development, public and private, throughout the City of Harrison, Clare County, Michigan, to the extent permitted by law.

1.3 PURPOSE

The purpose of this Zoning Ordinance is to promote the public health, safety, and general welfare of the residents of Harrison. This Zoning Ordinance serves for the general good of the community in accordance with the adopted City of Harrison Master Plan and any additions and amendments as may be approved by Harrison.

1.4 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS

These provisions shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Zoning Ordinance to interfere with or abrogate or annul any easements, covenants, restrictions established by other ordinances or statutes, or agreements between private parties. However, where this Zoning Ordinance imposes a greater restriction upon the use of buildings or lots or upon the height of buildings, or requires larger open spaces than are imposed or required by any other applicable rule, covenant or law, the provisions of this Zoning Ordinance shall govern. The City has no responsibility or authority for enforcing private agreements or covenants.

1.5 CONFLICT WITH STATE OR FEDERAL REGULATIONS

If the provisions of this Zoning Ordinance are inconsistent with those of the State or Federal government, the more restrictive provisions will control, to the extent permitted by law.

1.6 OFFICIAL ZONING MAP

The boundaries of the zoning districts established by the Zoning Ordinance are shown on a map designated the "Official Zoning Map." The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Zoning Ordinance as fully as if it were contained within the pages of this Zoning Ordinance.

- a. Location: The Official Zoning Map is filed in the office of the Harrison City Clerk.
- b. Updates: The Harrison Planning Commission is responsible for updating the Official Zoning Map to reflect amendments adopted by the City Council.
- c. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
 1. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be

construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map.

2. Whenever any street, road, alley, place or other public way is officially vacated by the City or Clare County Road Commission (with the exception of platted subdivision), the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
3. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "1" through "3" above, the Zoning Administrator shall interpret the boundaries.
4. Any dispute in the determination of the Zoning District boundaries shall be heard by the Zoning Board of Appeals.

ARTICLE 2 - ZONING DISTRICTS AND ZONING MAP

2.1 RELATIONSHIP OF ZONING ORDINANCE TO COMMUNITY MASTER PLAN

The zoning ordinance is enacted to regulate the use of private and public property and structures with the purpose of protecting public health, safety and welfare. Standards and regulations within the ordinance regulate the amount, type and use of a building allowable on a piece of land. The zoning ordinance is a tool used by the community to achieve the recommendations of the Harrison Community Master Plan, which is a guide for the long-term physical development of the City.

2.2 DISTRICTS ESTABLISHED

The City is hereby divided into the following districts, which shall be known as:

R-1: Low Density Residential

R-2: Medium Density Residential

R-3: Seasonal Residential

MH: Mobile Home

A-1: Open Space

CR: Commercial Resort

C-1: Downtown Commercial

C-2: Corridor Commercial

OS: Office Services

L-1: Light Industrial

2.3 INTENT AND PURPOSE

2.3.1 R-1 District

The R-1 District is established to provide areas of low density residential development. Desired development includes single-family dwellings. Services, facilities and uses incidental or accessory to dwellings are included.



2.3.2 R-2 District

The R-2 District is established to provide areas of higher density of residential development than is permitted in the R-1 District. Regulations include uses permitted in the R-1 District plus residential dwellings with two or more families. Services, facilities and uses incidental or accessory to multiple family dwellings are included. It is not intended to permit commercial, industrial or similar uses except as authorized by this Ordinance.



2.3.3 R-3 District

The R-3 District is established to provide areas in recognition of the seasonal residential development in the community. This district provides for more concentrated single-family development, less restrictions on minimum lots and minimum yards and the inclusion in the district of commercial uses which are compatible with seasonal occupancy of the area.



2.3.4 MH-Mobile Home District

The MH-Mobile Home District is intended to give recognition to the fact that mobile homes can provide satisfactory living conditions provided certain minimum standards are maintained. All mobile home park development shall comply with the applicable requirements of Act 419 of the Public Acts of 1976, as amended, and the rules of the State Mobile Home Commission as set forth and provided for under Act 419, as amended.



2.3.5 A-1 District

The A-1 District is established in recognition of the areas of sparse development customarily occurring in the fringe of the City. This area is separated from concentrated development by prominent natural or man-made barriers and is intended to serve as a transition between urban and rural development.



2.3.6 CR District (Commercial Recreational)

The CR District is established to provide areas of commercial development specifically oriented to the resort industry in the community. These areas are intended to be used and occupied for tourist-resort types of businesses that take advantage of existing scenic areas in the community.



2.3.7 C-1 District

The C-1 District is established to provide areas of high concentrations of pedestrian-oriented retail activities. Desired development includes commercial uses accompanied by off-street parking.



2.3.8 C-2 District

The C-2 District is established to provide areas of commercial development which require large exterior spaces for storage, display or sale of merchandise or commercial uses which depend upon continual movement of vehicular traffic.



2.3.9 O.S. Office-Service District

The O.S. Office Service District is designed to accommodate uses such as offices, banks, and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.



2.3.10 LI (Light Industrial) District

The LI District is established to provide areas of industrial development or manufacturing or uses which are compatible with industry or manufacturing. It is intended that all uses within this district conform to all applicable codes and laws pertaining to noise, fumes, smoke, vibrations, odors and other similar nuisances.



2.4 OVERLAY DISTRICTS

2.4.1 W-1 Wellhead Protection Overlay District

- a. INTENT: It is the purpose of this district to protect the public water supply wells from contamination by land use activities occurring or which may occur within the delineated recharge areas for such wells. The Wellhead Protection Overlay District (WPOD) shall apply to all land within the City of Harrison Wellhead Protection Area as mapped by the Michigan Department of Environmental Quality. A WHPA is defined as the surface and subsurface areas surrounding a water well or well field, which supplies a public water system, and through which contaminants are

reasonably likely to move toward and reach the water well or well field within a 10-year time-of-travel.

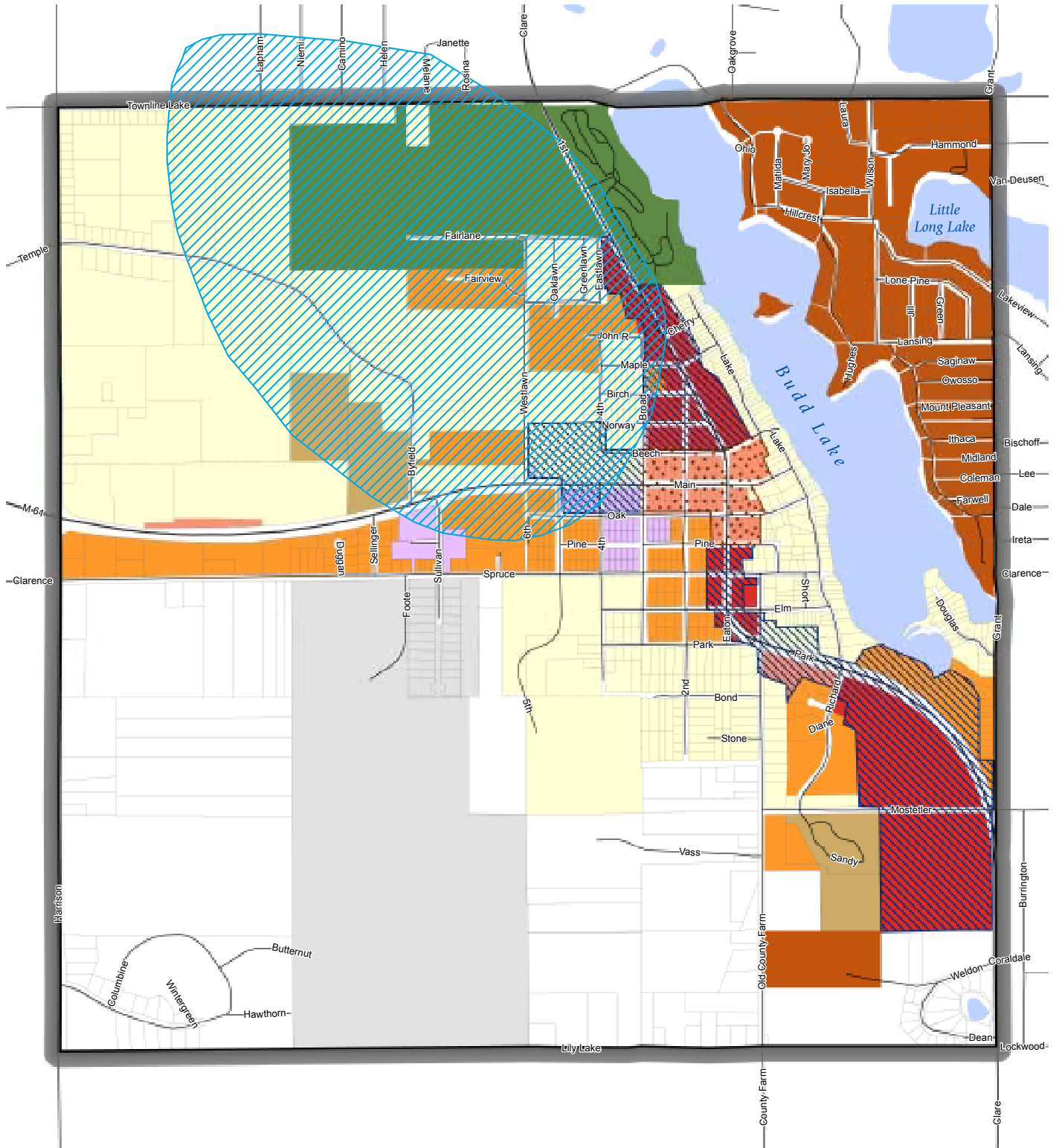
- b. **USE STANDARDS:** The most significant sources of water supply contamination are landfills, surface impoundment areas, subsurface percolation from septic tanks and cesspools, open dumps, uncapped or improperly capped abandoned wells, injection wells and underground storage tanks. When considering approving new developments in the Wellhead Protection Overlay District, the City of Harrison will consider strategies for mitigating the following uses and associated activities that may have potential to contaminate the WHPA:
 - 1. Manufacturing and Industrial Facilities
 - 2. Utility Companies
 - 3. Abandoned Wells
 - 4. Registered Storage Tanks
 - 5. Hazardous Waste
 - 6. Generators
 - 7. Ground Water Discharges
 - 8. Agricultural Operations
 - 9. Septic Systems or Dry Wells

2.4.2 Downtown Development Authority Overlay District

The purpose of this overlay district is to facilitate a facade improvement program and preserve the existing small town historic character to create a long lasting benefit to the City of Harrison, specifically the downtown development district. Please refer to Article 5 for a complete description of the development design standards.

2.5 PROPERTIES WITH MULTIPLE ZONING DESIGNATIONS

When an individual recorded parcel, which exists at the time of adoption of this ordinance, has more than one zoning classification, the zoning designation which comprises the majority of the parcel area shall be applied to the entire parcel. In all other instances interpretation of the boundaries of a zoning district shall be referred to the Zoning Board of Appeals.



CITY OF HARRISON Zoning Map

Data Sources: State of Michigan Geographic Data Library, Michigan DNR Open Data Portal, City of Harrison

- City Boundary
- State Roads
- All Roads
- Greater Business District Overlay
- Central Business District Overlay
- Wellhead Protection Area

- Residential 1
- Residential 2
- Residential 3
- Commercial 1
- Commercial 2

- Commercial / Recreational
- Agriculture
- Industrial
- Office Service District
- Mobile Home Park



Disclaimer: It is the responsibility of the map viewer to confirm zoning with the City of Harrison.

ARTICLE 3 - REGULATED USES AND DIMENSIONS

3.1 LAND USE AND ZONING DISTRICT TABLE

The Use Table in this Article lists by Land Use Type (i.e. residential, commercial, etc.) where a particular land use is allowed in a respective base-zoning district.

3.2 PERMITTED USES [P]

If a land use is permitted by-right in a Zoning District, it is identified by the symbol "P."

3.3 SPECIAL LAND USE [S]

The symbol "S" is noted if a land use is permitted after review and approval as a Special Land Use in accordance with Article 4: Special Uses.

3.4 USES NOT ALLOWED

If a land use type is not allowed in a Base Zoning District, it is blank without a "P" or "S."

3.5 SITE-SPECIFIC STANDARDS

Land use types, denoted with an "*", are further regulated with site-specific standards as identified in Article 7: Site Development Standards.

3.6 UNLISTED USES

If an application is submitted for a use type that is not classified in the Land Use Table of this Article, the Planning Commission is authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use. If no similar use determination can be made, the Planning Commission, zoning administrator, and/or their designee may initiate an amendment to the text of the Zoning Ordinance.

3.7 LAND USE TYPE

Land use types listed in the Land Use and Base Zoning District Table are defined in Article 15: Definitions of this Zoning Ordinance.

3.8 COMPLIANCE WITH DISTRICT REGULATIONS

Compliance with District regulations shall be required as follows:

- a. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered, nor shall any building or land be used, except for a purpose or use permitted in the district in which the building or land is located, nor in excess of the height and bulk limits established for such district.
- b. No building or structure intended for a dwelling use shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the floor area regulations of the district in which it is located.
- c. No building or structure shall be erected, converted, enlarged, reconstructed, relocated or structurally altered except in conformity with the yard and lot area regulations and the off-street parking and loading regulations of the district in which such building is located.
- d. The minimum yards, parking space and other open spaces, including lot area per family, required by this Zoning Ordinance for any building hereafter erected or structurally altered, shall not be encroached upon or considered open space or lot area requirement for any other building, nor shall any other lot area be reduced beyond the district requirements of this Zoning Ordinance.

- e. Every building or structure hereafter erected or structurally altered shall be located on a lot as defined, and in no case shall there be more than one (1) principal building on one (1) lot, except as provided in parts of this ordinance.

3.9 USES CONTRARY TO FEDERAL, STATE OR LOCAL STATUTES, LAWS, AND/OR ORDINANCES

Uses for enterprises or purposes that are contrary to Federal, State, and City statutes, laws, and/or ordinances are prohibited.

3.10 REGULATED USES

Zoning Districts										
Regulated Uses	R-1	R-2	R-3	MH	A-1	CR	C-1	C-2	OS	L-1
<i>Principal</i>										
Single-Family Dwellings	P	P	P	P	P					
Government Facilities and Offices	P	P		P					P	
Schools	P	P		P						
Medical Facilities	P	P		P					P	
Public Recreational Facilities	P	P	P	P		P				S
Private Recreation Facility		S			S	P	S	S		S
Religious Institutions	P	P		P	P				P	
Cemeteries	P	P		P	P					
Public Utility Facilities	S*	S*	S*		P		P	P		
Funeral Homes	S	S			S			P		
Bed and Breakfasts	S*	S*	S*							
Two-Family Dwellings		P	P							
Multi-Family Dwellings		P	P							
Rooming Housing		P	P							
Hotels/Motels		P	S			P		S		
Senior Living Facilities		P								
Professional Offices		S					P	P	P	
Clinics		S					P	P	P	
Clubs or Lodges		S	S			P			P	
Nursing Homes		S*								
Grocery Stores			S				P	P	P	
Gasoline Service Stations			S*		S*		S*	P		P
Mobile Homes	S*	S*	S*	P						
Campground or Travel Trailer Park				S		P				
Farming					P					
Nurseries					P					
Kennels					S					
Radio and Television Stations					P			P		
Golf Courses					P					

Zoning Districts										
Regulated Uses	R-1	R-2	R-3	MH	A-1	CR	C-1	C-2	OS	L-1
<i>Principal</i>										
Retail Establishments					S		P	P		
Personal Service Establishments					S		P	P	P	
Farmers/Flea Market					S*	S*	S*	S*		
Warehousing, Storage, and Junkyards					S*					P
Drive-thru Services							S*	P	S*	
Automobile Sales and Services								P		P
Theaters (including Drive-In)								P		
Banks							P	P	P	
Adult Entertainment Businesses								S*		
Telecommunication Towers										P
Research Facilities										P
Ag Products and Services										P
Machine and Welding Shops										P
Transportation, Maintenance Facilities										P
Industrial Park Site										S*
Sanitary Landfill										S
<i>Accessory</i>										
Private Garages and Carports	P	P	P							
Private Pools	P	P	P			P				
Home Occupations	P	P	P							
Marine Docking and Launching			P			P				
Farm Equipment Buildings					P					
Farm Stands					P					
Second Floor Residential							P			

3.11 SCHEDULE OF DIMENSIONAL REQUIREMENTS

The regulations in this section specify parcel dimensions, setback requirements for parcels in each Zoning District.

Dimensional Requirements						
Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Front Yard (ft.)*	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max Height (ft.)
R-1 Low-Density Residential	10,000	80	25	10	10	25
R-2 Medium-Density Residential						
One-Family-Dwelling	8,000	66	25	8	10	35
Two-Family Dwelling	8,200	66	25	8	10	35
Multiple-Family Dwelling	3,000 per unit	66	25	20	20	35**
R-3 Seasonal Residential						
One-Family-Dwelling	8,000	60	25	8	10	25
Two-Family Dwelling	8,200	60	25	8	10	35
Multiple-Family Dwelling	3,000 per unit	60	25	20	20	35**
MH Mobile Home	N/A	N/A	N/A	N/A	N/A	N/A
A-1 Open Space	See residential requirements for residential uses in this district.					
CR Commercial Resort	N/A	N/A	N/A	N/A	N/A	35**
C-1 Commercial	N/A	N/A	N/A	N/A	N/A	35**
C-2 Commercial	N/A	N/A	N/A	N/A	N/A	35**
OS Office Service			20 ft. max.	15	20	35**
I-1 Light Industrial	10,000	100	25	25	25	35**

Notes:

1. Buildings on lots having frontage on two or more intersecting or non-intersecting streets shall comply with front yard requirements on all such streets.
2. The following buildings and structures shall be exempt from height regulations in all zoning districts: parapet walls not exceeding 4 feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, stacks, elevated water towers, storage towers, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, and communication and transmission antennas and towers that are controlled by the FCC.
3. If the side or rear yard of a commercial or industrial use abuts a property zoned residential a 30-foot side or rear yard is required.
4. *On waterfront lots, the minimum setback from the road-side property line is 10 ft. and the minimum setback from the ordinary high water mark is 25 ft.
5. ** Upon site plan review, a special use permit may be issued for buildings that exceed 35 feet as long as a fire suppression agreement/plan is secured with neighboring jurisdiction(s).

ARTICLE 4 - SPECIAL USES

The intent of this section is to recognize and provide for certain uses which do not logically belong in any particular district or which may be allowable only if they comply with standards which ensure their being harmonious with the general character of the district in which they may be located. The general standards in this Section must be met by all uses authorized by special use permit. Land uses requiring special considerations are listed in the remaining sections of this Article.

4.1 GENERAL PROVISIONS

- a. Only uses which have been designated as Special Uses in each respective zoning district shall be considered for approval as Special Uses.
- b. All uses of land or structures which are designated as Special Uses in this Ordinance shall require the granting of a Special Use Permit in accordance with the procedures of Subsection 4.2 of this Ordinance prior to the issuance of a Building Permit or a Certificate of Occupancy.
- c. A request for the approval of a Special Use Permit may be considered, provided the following conditions are assured:
 1. The proposed use will comply with all special regulations as well as complying with all appropriate regulations applicable to the district.
 2. The proposed use is in harmony with the purpose and intent of this Ordinance.
 3. The proposed use will not adversely affect the health and safety of the public and the workers and residents of the area and will not be detrimental to the use or development of adjacent properties or of the general neighborhood.
 4. The proposed use will comply with all applicable laws, ordinances and regulations of the City of Harrison, Clare County and the State of Michigan.
- d. The Planning Commission may impose additional conditions and stipulations which are deemed necessary for the protection of the neighborhood and the health, safety, and general welfare of the public.
- e. Approval of a request for a Special Use Permit shall not be granted if any official or the Planning Commission of the City of Harrison finds that such Special Use would fail to comply with any requirements of this Ordinance.
- f. The Planning Commission may require that the applicant requesting authorization for a Special Use furnish any engineering or architectural drawings, specifications, site plans, impact statements, operating plans or any other reasonable data or information deemed necessary to completely clarify the proposed Special Use.
- g. In any case where a Special Use has not been established within one (1) year after the granting or approval of the Special Use Permit, then without further action by the Planning Commission, the Special Use Permit or the Certificate of Occupancy shall be canceled.
- h. Violations of this section or of any other portions of this Ordinance shall result in the automatic cancellation of the Certificate of Occupancy. Reinstatement may be made by the Zoning Administrator when violation(s) has been corrected.

4.2 ADMINISTRATION AND PROCEDURE.

4.2.1 INITIATION OF REQUEST FOR SPECIAL USE

Any person owning or having an interest in property in the City of Harrison may initiate a request to operate or maintain a Special Use in the City of Harrison by submitting an application for a Special Use Permit.

4.2.2 APPLICATION FOR SPECIAL USE PERMIT

An application for a Special Use Permit shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by a site plan as required under Article 9 and shall include such plans, drawings or other data furnished by the applicant including a written statement by the applicant. Such plans, data and statement shall indicate in necessary detail the type of use, size, location and estimated time until occupancy of the proposed use.

4.2.3 REVIEW OF APPLICATION BY ZONING ADMINISTRATOR

The Zoning Administrator shall review the application and supporting documents and indicate, by endorsement, that the application is complete and has been properly executed. The Zoning Administrator will also bring in other departments as needed to ensure the application meets all relevant agency standards and codes. Application is then forwarded to Planning Commission for review, hearing and action.

4.2.4 REVIEW AND HEARING BY PLANNING COMMISSION

Upon receipt, in proper form, of the Special Use application, the Planning Commission shall review said application to ensure that all conditions of this section have been complied with. The Planning Commission shall hold at least one (1) public hearing on each application for a Special Use Permit. Notice of said hearing shall be in accordance with the Michigan Zoning Enabling Act.

4.2.5 REVIEW AND DECISION BY PLANNING COMMISSION

Following the Public Hearing on the Special Land Use request the Planning Commission, based on its review of the request and considering all requirements necessary for the approval of the Special Land Use request may deny, approve, or approve with conditions the request for the Special Land Use. The decision on a Special Land Use shall be incorporated in a statement of conclusions relative to the Special Land Use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

4.3 GENERAL STANDARDS

Before formulating recommendations for a special land use application, the Planning Commission shall require that the following general standards below and any specific standards for uses listed in Section 4.4 through Section 4.14 be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards:

- a. Compatibility with the Master Plan: The proposed special land use shall be compatible with and in accordance with the general goals and objectives of the City of Harrison Master Plan and any associated sub-area and corridor plans.
- b. Compatibility with Adjacent Uses: The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a special land use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the City. The following types of impacts shall be considered:
 1. Use activities, processes, materials, equipment, or conditions of operation;
 2. vehicular circulation and parking areas;
 3. outdoor activity, storage and work areas;
 4. hours of operation;

5. production of traffic, noise vibration, smoke, fumes odors, dust, glare and light;
 6. impacts on adjacent property values; and
 7. the relative ease by which the impacts above will be mitigated.
- c. **Impact of Traffic on the Road Network:** The location and design of the proposed special land use shall minimize the negative impact on the traffic network in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, road capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. Efforts shall be made to ensure that multiple transportation modes are safely and effectively accommodated in an effort to provide alternate modes of access and alleviate vehicular traffic congestion.
 - d. **Impact on Public Services:** The proposed special land use shall be located where it can be adequately served by essential public facilities and services, such as highways, streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities and schools. Whenever possible, such services shall be provided and accommodated without excessive additional requirements at a public cost.
 - e. **Compliance with Zoning Ordinance Standards:** The proposed special land use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.
 - f. **Impact on the Overall Environment:** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses.
 - g. **Licensing:** The application shall comply with all applicable licensing ordinances.
 - h. **Additional Provisions:** The Planning Commission may stipulate such additional conditions and safeguards deemed necessary for the general welfare for the protection of individual property rights, and for ensuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the granting of the special land use.
 - i. **Special Land Use Specific Requirements:** The general standards and requirements of this Section are basic to all uses authorized by special land use. The specific and detailed requirements must be met by those uses in addition to the foregoing general standards and requirements where applicable.

4.4 SPECIFIC STANDARDS

In addition to meeting the General Standards, the following uses listed below shall also meet the Specific Standards:

- a. Public Utility Facilities
- b. Nursing Homes
- c. Gasoline Service Stations
- d. Warehousing, Storage, and Junkyards
- e. Drive-thru Services
- f. Open Air Markets
- g. Bed and Breakfasts
- h. Adult Entertainment Businesses
- i. Mobile Homes
- j. Industrial Park Site

4.5 PUBLIC UTILITY FACILITIES

- a. The public utilities facility may be located within the district when operating requirements are necessary to serve the immediate vicinity.
- b. Any lighting on the premises for yard lighting, sign lighting or other similar types of exterior lighting shall be a white, steady light with the source not visible off the premises.
- c. Surrounding grounds may be used for the temporary parking of service or maintenance vehicles or for parking of employees or attendance vehicles while driver is on the premises, but shall not be used for the storage of equipment, supplies, or construction, or operating materials.
- d. Any property line abutting a residential lot or parcel shall be screened with an ornamental fence, wall or planted materials. Said screen shall obscure vision and provide separation between the two uses.

4.6 NURSING HOMES

- a. Nursing homes include convalescent homes, homes for the care of the sick or similar places which provide room and board for bedridden patients excluding hospitals.
- b. Off-street parking shall be provided in the rear yard only at a ratio of one (1) space for each two hundred (200) square feet of usable floor area in the building. Entrance/exit drives shall be provided to permit safe and convenient access between parking areas and approved private or public streets.
- c. Any lighting on the premises, for parking areas, yard lighting, sign lighting or other types of exterior lighting shall be a white steady light with the source not visible off the premises.
- d. Any parking or drive areas which are within a required yard abutting a residential lot shall be screened with an ornamental fence or wall or planted materials such as trees or shrubs which shall obscure vision and provide separation between the two uses. Said screen shall be a minimum of five (5) feet in height.

4.7 GASOLINE SERVICE STATIONS

- a. The lot accommodating a gasoline service station shall have a minimum area of forty-thousand (40,000) square feet with a minimum width of two-hundred (200) feet.
- b. Parking and storage areas and drives may be located within any required yard.
- c. All sales, services and storage shall be within an enclosed building, with the exception of parking and loading areas.
- d. All drives and parking areas shall be paved and well drained.
- e. Any gasoline service station which abuts a residential property shall be screened with an ornamental fence or wall or planted materials which shall obscure vision and provide separation between the uses.
- f. Drives shall be located so as not to create a traffic hazard between vehicles entering or leaving the service station and vehicles traveling on adjacent streets.

4.8 WAREHOUSING, STORAGE, AND JUNKYARDS

- a. Any buildings, fences, or walls shall be located no closer than fifty (50) feet from any property line.
- b. Any scrap, waste, junk or refuse material and any inoperable mechanical equipment shall be stored in a building.
- c. Any operable mechanical equipment and any materials not classified as scrap, junk or waste may be stored in open yards provided that said equipment or materials are located no closer

than 100 feet from any property line.

- d. The property shall be screened with an ornamental fence or wall or planted materials such as trees or shrubs which shall obscure vision and provide separation between the two uses. Said screen shall be a minimum of five (5) feet in height.
- e. Storage yards shall be graded to provide adequate drainage and shall be surfaced with compacted stones or gravel or with a hard surfaced material.
- f. Any lighting on the premises for parking areas, yard areas, sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
- g. There shall be no burning of any waste, scrap, junk, or any other similar materials on the premises.

4.9 DRIVE-THRU SERVICES

- a. A drive-thru service must be accessory to a principal use on the same parcel.
- a. Each drive-thru window shall be served by a paved drive.
- b. Entrance to a drive-thru window shall be from an off-street drive or parking lot which shall permit the accommodation of a minimum of four cars.
- c. Exit from a drive-thru window shall be to a minor street or to a major street with a service drive or service lane.
- d. The required off-street parking area for the facility shall not be used for drives to the drive-thru windows.

4.10 FARMERS/FLEA MARKETS

- a. The market shall not have a negative impact on surrounding properties related to visibility, accessibility, traffic flow, parking and other site related issues.
- b. All parking should be accommodated on-site.
- c. All products sold at the market shall be agricultural and/or locally crafted and shall be in compliance with all applicable laws and codes of the City of Harrison, Clare County, the State and the Federal Government.
- d. The market shall promote economic development in the City of Harrison.
- e. Any lighting provided for the open air market shall be located on premises, shall be a steady white light with the source not visible off the premises.
- f. An appropriate time frame for the market with a specific starting and ending time must be agreed upon by the City.
- g. The market shall be immediately cleaned up at the conclusion of the market/event.

4.11 BED AND BREAKFASTS

- a. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator and said operator shall live on the premises when the bed and breakfast operation is active.
- b. All premises used for a bed and breakfast operations must comply with all relevant building code and sanitary regulations.
- c. Minimal outward modification of the structure may be made only if such changes are compatible with the character of the structure and the intent of the zoning district in which the bed and breakfast is located. Any modifications are subject to architectural review by the Planning Commission at the time of Special Use permit review.

- d. Each operator shall keep a log of the names of all persons staying at the bed and breakfast inn operation. The log shall show the name, arrival and departure dates of all guests. Such log shall be available for inspection by City officials at any time. The maximum stay for any occupants (other than the owner and family) of bed and breakfast operations shall be fourteen (14) days.
- e. No portion of any bed and breakfast shall be operated in any garage.
- f. No cooking facilities shall be permitted in any of the rooms available for rent.
- g. No restaurant activity shall take place. Breakfast may be served to overnight guests only. The structure shall remain a residential structure, i.e. the kitchen shall not be remodeled into a commercial kitchen.
- h. The maximum number of rooms which may be rented is five (5) unless it can be shown that the structure and/or parcel is of sufficient size to contain more rooms while meeting the purpose of the article.

4.12 ADULT ENTERTAINMENT BUSINESSES

Special regulation is needed to ensure these uses are not concentrated in any one area, thus, preventing adverse effects upon the surrounding neighborhood, such as blight and urban deterioration, negative effects on economic development potential, social disorder and crime, negative effects on community standards for aesthetics, the reduction of property values, and the subsequent negative impact on the community tax base. The primary objective is to prevent a concentration of these uses by establishing spacing standards and, thus, ensuring disbursement of these uses throughout the community. Uses subject to these controls are as follows:

- a. Adult book stores, adult novelty stores, or adult video stores;
 - b. Adult cabarets;
 - c. Adult motion picture theaters;
 - d. Nude or semi-nude model studios; and
 - e. Sexually oriented businesses.
- a. Adult entertainment businesses shall not be approved if there is already in existence, one or more adult entertainment businesses within 1,500 feet of the proposed business.
 - b. Adult entertainment businesses shall not be approved if the proposed location is within 1,000 feet of any residential district; 1,500 feet of any licensed day-care facility, adult foster-care home, senior citizens' center, park, or church; or 2,650 feet from any K-12 school.

4.13 HOTELS AND MOTELS

Hotel and motels exceeding 35 feet in height may be permitted in the event that the developer reaches an agreement with surrounding jurisdictions to secure fire emergency response and suppression services.

4.14 MOBILE HOMES

INTENT: While Mobile Homes offer an alternative to conventional single-family housing in such areas as structural design, facility arrangement and cost; they can have potential adverse impacts on a residential neighborhood because of marked differences from single-family housing in design, placement, structure and site size, and fire and wind resistance. Generally, mobile homes have been restricted to locations within mobile home parks, positioned at areas specifically zoned for them, in order to assure compatibility with nearby residential uses. However, through the application of certain standards, mobile homes and mobile home sites may be designed to more closely resemble nearby conventional housing and be permitted outside mobile home parks and within residential zoning districts.

The Planning Commission shall have the discretion to permit, as a use, one-family dwelling units (mobile homes), based upon the following standards:

- a. Mobile homes shall be excluded from a residential district of site built homes when a mobile home fails to satisfy reasonable standards designed to assure a favorable comparison. Mobile home dwelling units shall be permitted, provided:
 1. Such dwelling units shall be in harmony of appearance and quality of materials and landscaping with surrounding dwelling units in the area. "Surrounding Area" shall mean all dwelling units within three hundred fifty (350) feet in any residential district in all directions from the lot on which such dwelling unit is to be located. In those instances where no site built dwelling units or pre-manufactured, or mobile home dwelling units approved under this Section, exist within the required distance above set forth, the surrounding area shall then mean the first three (3) dwelling units nearest the site in all directions.
 2. Such dwelling units shall conform to the applicable requirements of the Pre-manufactured Unit Rules of the State Construction Code, being Section 6 of Act 230 of the Public Acts of 1972, as amended, including the display of a manufacturers data plate, or the display of the HUD Construction Code Standards for Mobile Homes.
 3. Such dwelling units shall be permanently attached to a perimeter foundation, except that in those instances where the applicant elects to set the dwelling on piers or when the type of unit requires placement of an under frame on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall, furthermore, provide an appearance which will be compatible with the dwelling itself and with the site built homes in the surrounding area. Where a perimeter wall is used, the wall shall extend upwards from the ground to a point uniformly three (3) inches below the base of the perimeter wall of the dwelling. A flange attached to the base of the dwelling wall shall extend along the outside of the perimeter wall not more than six (6) inches on all sides of the dwelling. The wheels and towing mechanisms shall be removed. The latter to the extent that it is not visible beyond the perimeter wall.
 4. Such dwellings shall have a minimum width of at least fourteen (14) feet on at least one (1) side within any single vertical plan (through section), and a minimum living area of not less than seven hundred and twenty (720) square feet, excluding any attached living areas, carports, garages, screened or open porches or patios.
 5. Such dwellings shall have a roof with a pitch of not less than that of a majority of the dwellings in the surrounding area.
 6. Such dwellings shall be constructed with materials approved by the State Construction Code of HUD Standards for Mobile Homes.
 7. Such dwellings shall consist of windows and doors that are of the same general construction and quality as exists in homes in the surrounding area.
 8. Such dwellings shall have a storage area capability either in a basement located under the dwelling, in a utility room, in an office, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal structure, which storage shall be equal to ten (10) percent of the square footage of the dwelling. Any separate structure used for storage shall be located in compliance with the various other provisions of the Zoning Ordinance.

4.15 INDUSTRIAL PARK SITE

- a. Before a building permit for an industrial park site will be issued the owner and/or builder must submit the following material to Planning Commission for review and comment:
 1. A detailed site plan as required under Article 7: Site Plan Review, and including at a minimum, the location of all buildings, improvements, signage, parking spaces, loading zones, walls or fencing, lighting and landscaping.
 2. Engineering/architectural plans for all buildings and utilities i.e., water, sewer, gas and electricity.
 3. A description of the operation including, but not limited to, type of activity, number and type of employees, hours of operation, water and sewer usage, solid waste disposal needs, air pollution, noise and vibration levels as measured at the property line, handling of hazardous materials and any health or safety hazards.
 4. The proposal shall be submitted to the Harrison Area Economic Development Corporation for their review and comment; such written comments shall be submitted to the Planning Commission for their consideration prior to approving the site plan.
- b. Outdoor storage of equipment, raw materials, semi-finished products may be permitted only when such outdoor storage is necessary and incidental to the operations being carried on in the building located on the site. No storage shall be permitted within any required yard. All storage shall be shielded by fence or landscaping so as to screen such storage area from public streets and adjoining properties.
- c. All building site area not used for buildings, roads, parking, loading and storage area shall be landscaped. It shall be done attractively with lawn, trees, shrubs, etc., and be properly maintained thereafter.
- d. In the event that an Industrial Use is located within 100 ft. of an established Residential Use, after the enactment of this Ordinance, it shall be required, that, in order for the Industrial Use to become operative, there shall be, on the Industrial Use property a combination of the following:
 1. A solid fence no less than six feet (6') in height set back from the property line no less than three feet (3'). In the event that an Industrial Use is adjacent to a Commercial Use there shall be on the industrial property a fence no less than six feet (6') in height or a solid wall no less than six feet (6') in height or a buffer zone as defined in this Ordinance no less than ten feet (10') in width.
 2. Any industrial park building permit shall become null and void if construction has not begun within one year from date of approval. Building construction must begin within twelve (12) months from the date of property acquisition and be completed within twelve (12) months from the start of construction.
 3. All principal structures must be of new steel or other metal, masonry and glass construction and all exposed concrete block or metal must be painted within sixty (60) days after date of occupancy except those materials not normally painted or prefinished.
 4. Walls and fences must be built within setback requirements and require prior approval of the Harrison Area Economic Development Corporation and county building inspector.
 5. Signs shall be permitted, but sign lighting or other similar types of exterior lighting shall be a white steady light with the source not visible off the premises.
 6. When an industrial park site fronts on two (2) streets, the Harrison Area Economic Development Corporation will determine which side of the property is the front yard.
- e. ODORS: The emission of obnoxious odors that negatively impact public health, safety and general welfare are not permitted.
- f. GASES: No gas shall be emitted which is detrimental to the public health, safety and general welfare.
- g. GLARE AND HEAT: Glare and heat from arc welding, acetylene torch cutting or similar

- processes shall not be seen from any point beyond the outside of the property.
- h. FIRE AND SAFETY HAZARDS: The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State rules and regulations as established in Public Act No. 207, P.A. of 1941, as amended. Bulk storage of flammable liquids, liquefied petroleum gases and explosives will be permitted below ground only.
 - i. NOISE: Noise shall not be determined to cause a disturbance to the surrounding neighborhood and shall not exceed 80dB(A) as measured from the property line between 6 A.M. and midnight and shall not exceed 75dB(A) between midnight and 6 A.M.

ARTICLE 5 - CENTRAL BUSINESS AND GREATER BUSINESS OVERLAY DISTRICT DESIGN DEVELOPMENT STANDARDS

5.1 GOALS AND PURPOSE

Purpose. The purpose of these standards is to establish clear and concise principles for the areas known as the Central Business Overlay District and the Greater Business Overlay District. The boundaries of both districts are defined on the Zoning Map. The purpose of the standards is as follows:

- a. To promote good, consistent design for new development and for redevelopment.
- b. To encourage business and building owners to improve the exterior appearance of their stores and buildings with modifications ranging from cleaning off graffiti to replacing storefront windows, doors and lighting.
- c. To ensure the economic viability of the commercial area within Harrison by addressing alterations that will help draw customers into their businesses such as the restoration of storefronts with large, uncluttered display windows.
- d. To encourage and direct development and renovation within downtown Harrison such that the development will have the physical qualities necessary to produce the desired, attractive city character.
- e. To preserve, promote and protect the integrity of the buildings, structures, streetscape and neighborhoods in the downtown area through restoration of original elements and the removal of elements that cover the original architectural details.
- f. To direct building development and renovation in such a way that new buildings are compatible with their surrounding context.
- g. To encourage building development and renovation so that new buildings and structures will enhance the pedestrian oriented nature of the downtown area.
- h. To foster civic pride in the beauty and accomplishments of the past.

5.2 CONFLICTS BETWEEN STANDARDS

The standards noted below apply to the downtown development district. When there are conflicts between the standards herein and those of other sections, the standards of this section shall take precedence. Except as otherwise noted, buildings and facades in downtown Harrison shall comply with the following requirements:

5.3 DESIGN STANDARDS - GREATER BUSINESS OVERLAY DISTRICT AND CENTRAL BUSINESS OVERLAY DISTRICT

5.3.1 Building placement

Buildings can be built with no minimum setbacks, or the average setback of other buildings on the block as measured by the applicant. The upper stories may be recessed to help maintain a human scale.

5.3.2 Landscaping

New landscaping shall comply with the city standards, in addition to the standards as described below:

1. Street trees shall be provided at 25- to 40-foot intervals.
2. On every site involving new development or total redevelopment, a landscape plan shall be submitted for review and approval.
3. Window boxes with attractive, live plants are encouraged. The window boxes

shall be placed below the windows and their width shall be proportionate to the window width.

5.3.3 Outdoor cafes and eating areas

- a. Size: Any outdoor eating area outside of the building footprint shall not exceed 15 percent of the gross floor area of the ground floor level of the principal building.
- b. Location: Outdoor eating areas (with the exception of sidewalk cafes) shall be located no closer than five feet from any street right-of-way or any vehicular parking or maneuvering areas and shall provide the minimum five feet of clearance space for pedestrian circulation. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
- c. Location and screening: The outdoor eating area shall not be located within 50 feet of any properties used or zoned for single-family residential purposes. The area shall be screened from view from all single-family residential properties.
- d. Preparation of food and beverages shall be prohibited in this outdoor area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and any applicable local ordinance.
- e. Liability issues for use of the public sidewalk shall be addressed and reviewed by the city attorney.

5.3.4 Sidewalk displays.

Sidewalk displays shall be permitted directly in front of a business establishment provided at least five feet of clearance is maintained along pedestrian circulation routes. Displays are required to comply with the following:

- a. Displays shall be located against the building wall and shall not be more than two feet deep. The display area shall not exceed 50 percent of the length of the storefront.
- b. Display cases shall be permitted only during normal business hours.
- c. Sidewalk displays shall maintain a clean, litter-free and well-kept appearance.

5.4 DESIGN STANDARDS - CENTRAL BUSINESS OVERLAY DISTRICT ONLY

5.4.1 Building Entrance

- a. All buildings shall have at least one public, pedestrian entrance that faces the main street on the frontage line and is directly accessible from the sidewalk. In the event that the building is located on a corner lot or faces upon a public space, said building face shall also be treated as a building front face. Rear entrances are permitted, only if there is a primary entrance from the main street.
- b. All buildings shall retain the original building entrance, if historically accurate.
- c. Doors:
 - 1. Doors shall use transparent glass.
 - 2. Front entrance doors shall be constructed out materials compatible with the historic character of the district.
 - 3. Entrances must be barrier-free and universally accessible.

5.4.2 Front facade design.

All building facades that face a street shall conform to the following design criteria:

- a. Street face: Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building such as awnings, edge details or decorative finish materials. Blank walls shall not face a public street. Significant protrusions (more than six inches), such as awnings, cornice lines, details at the top of windows and sills are encouraged to create shadow lines or bands on the facade.
- b. Storefront entrance: The storefront opening shall be a rectangular opening ten feet to 12 feet high and approximately 20 percent of the width of the storefront or bay. The opening shall be almost entirely glass (window or showcases) with few subdivisions to help maintain visual contact between the street and the building interior. Recessed openings are required.
- c. Window and door openings: All facades visible from the street must be glazed with transparent glass.

5.4.3 Building materials

- a. Buildings: The buildings are to be constructed from permanent materials that will weather well over time, such as brick, stone, masonry, or other natural materials. The use of metal panels, wood siding, and cement board siding shall not be allowed. The zoning administrator and/or planning commission may grant special approval of metal panels, wood siding, or cement board siding in circumstances where the architecture is in keeping with the historic nature of the district.
- b. Facade frame: The facade frame, or wall shall be brick or stone masonry constructed principally in a single plane. The top of the parapet wall shall be flat or step slightly to accentuate end piers unless a sloped roof is allowed by the city. The facade frame shall be capped by a stone coping.
- c. Storefront opening: Wood is preferred; however, aluminum or pre-painted steel storefront glazing system may be acceptable upon approval by the city. Glass shall be clear. Reflective, mirror, heavily tinted, or unusually colored glass must be approved by the city.
- d. Canopies shall be narrow in elevation, six inches to 12 inches and flat or slightly angled. Typically, the canopies shall be flat or slightly angled so that the overall height dimension does not exceed 18 inches. Canopies shall be self-supporting or supported by tension rods. Canopy projections shall be limited to 48 inches. Canopies shall be designed as an integral component of the building.
- e. Awnings shall be traditional in design and must be made from fabric or similar material, rather than metal, plastic or rigid fiberglass. Awnings shall be proportional to the window opening and compatible in height, length, depth and bulk with the building facade. All awnings shall be attached directly to the building, rather than supported by columns or poles. Internally illuminated or back-lit awnings are allowed and should comply with the Clear Skies Act of 2003.

5.4.4 Balconies, railings and porch structures:

- a. Windows: Second story windows shall maintain the height and width of the original historic window openings.
- b. Security systems: Security bars, solid metal security gates or solid roll-down windows shall be prohibited. Any exterior security lighting shall be installed per the lighting section of these design standards and must meet the lighting requirements of the city.
- c. Mechanical equipment: Roof top mechanical equipment shall be hidden from view for adjacent properties and from the rights-of-way.

- 5.4.5 Side and rear facade design:** Rear and side storefronts should be similarly designed as front facades described above.
- 5.4.6 Courtyards and plazas:** Exterior public and semi-public spaces, such as courtyards or plazas, shall be designed to enhance surrounding buildings and provide functional amenities for the users. Courtyards and plazas shall be connected to the public sidewalk pathway system.
- 5.4.7 Mechanical equipment.**
- a. Mechanical equipment: All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing, and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public rights-of-way by using walls, fences, roof elements, penthouse-type screening devices, or landscaping without impeding on the function of device.
 - b. Fire escapes: Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.
 - c. Service alley: A service alley or designed loading space shall be reserved at the rear of the building.

ARTICLE 6 - GENERAL PROVISIONS

The following standards are generally applicable to all uses regardless of zoning district.

6.1 SCOPE OF ORDINANCE REGULATIONS

The provisions of this Ordinance shall be held to be the minimum requirements and shall apply uniformly to each kind or class of structure or land.

- a. Where the conditions imposed by any provision of this Ordinance upon the use of structures or land are either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
- b. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement, provided that where the regulations of this Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the regulations of this Ordinance shall govern.
- c. Structures or uses which were unlawfully existing at the time of the adoption of this Ordinance shall not become or be made lawful solely by reason of adoption of this Ordinance.
- d. All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such structures, uses or land shall be located.
- e. Nothing contained in this Ordinance shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to conduct any trade, industry, occupation or activity.
- f. Any building permits issued prior to the effective date of this Ordinance shall be considered valid and structure may be completed and used or occupied in accordance with plans provided that use or occupancy is on the basis for which building permit was originally designated and provided that construction is begun within sixty (60) days. Any such use which would become nonconforming by virtue of the passage of this Ordinance shall thereafter be considered nonconforming and subject to the provisions of this Ordinance.
- g. All land, property or territory hereafter to be annexed to the City of Harrison shall be considered to be in an A-1 District until otherwise classified.
- h. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon such order of such official.
- i. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited.

6.2 SCOPE OF DISTRICT REGULATIONS

- a. No part of a yard or other open space or off-street parking or loading space required about or in connection with any structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other structure or use.
- b. In case of a lot having a side yard along any zoning district boundary line, on the other side of which is a more restrictive district, said side yard shall have a width of not less than that required for the more restrictive district.

- c. No part of any required yard except a rear yard shall be occupied for any accessory use or structure or for the storage of vehicles unless otherwise provided in this Ordinance.
- d. On any corner lot in the R-1, R-2 and A-1 Districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2½) feet and eight (8) feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them at points twenty-five (25) feet from the intersection of the right-of-way lines.
- e. On double-frontage lots, a front yard as prescribed for the district as herein established shall be provided on both streets.
- f. Every structure hereafter erected or relocated shall be on a lot adjacent to a public street or with access to an approved private street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- g. In any district, no more than one structure housing a permitted or permissible principal use or a structure housing more than one permitted or permissible use may be erected or maintained on a single lot.
- h. In those instances where a lot owner's lot line is adjacent to an easement that runs perpendicular to Lake Street to Budd Lake or perpendicular to Hillcrest to Budd Lake that lot line shall be considered a side yard lot line for set back purposes.

6.3 ACCESSORY STRUCTURES

- a. In any R-1, R-2, R-3 or A-1 District where a lot has frontage on a lake as well as a street, the street-side front yard may be used for the erection of a garage or carport providing such garage or carport be no closer than ten (10) feet from the street front property line and side yard requirements for the District are met. Storage of recreational equipment may be permitted in the water-side front yard.
- b. Any uses or buildings permitted in this Ordinance as accessory buildings or uses shall be clearly incidental to and on the same zoning lot as the principal use to which they are accessory. No accessory use or building shall be higher than the maximum height permitted in the district. Accessory uses or buildings shall be located no closer than five (5) feet from any lot line in the rear yard and unless otherwise specified in this Ordinance an accessory use or building shall not be located within a required side yard or a required front yard. Any permitted accessory use or buildings shall occupy no more than twenty-five percent (25%) of the total rear yard in which it is located.

ARTICLE 7 - SITE DEVELOPMENT STANDARDS

The following standards are intended to be applied to site plans for a specific zoning district.

7.1 PARKING

In all zoning districts, off-street parking and loading facilities for the parking of vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered, or extended after the effective date of this ordinance shall be provided as herein prescribed.

7.1.1 SCHEDULE OF PARKING REQUIREMENTS

- a. The ordinance enforcement officer shall determine the minimum number of spaces required for accessory off-street parking by applying the "Schedule of Parking Requirements" and any other applicable provisions of this ordinance. Where the computation results in a fractional space, it shall be counted as one additional space required.
- b. Provision of common parking areas for several uses in the same vicinity is encouraged. In such cases the total space requirements are the sum of the maximum individual requirements. In cases where the hours of operation are significantly different between two or more uses, a reduction in the total space requirements may be permitted by the Planning Commission.
- c. In the instance of dual function of off-street parking spaces where the off-street parking is located on the same lot or an off-street parking lot connected by a common drive the property owner(s) at their discretion may utilize the Shared Parking standards defined in Section 7.1.1 (i).
- d. The following table provides the specific off-street parking space requirements for each common land use. In cases of uses not specifically mentioned, the requirements of off-street parking spaces shall be in accord with the use which the Zoning Administrator and/or Planning Commission considers is similar in type. Parking standard publications from the American Planning Association may be consulted in making a determination. The term "GFA" refers to gross floor area.

RESIDENTIAL	MINIMUM	MAXIMUM	MEASUREMENT
Single-Family Dwelling	2	N/A	per unit
Multiple-Family Dwelling	1.5	1.5	per unit

NON-RESIDENTIAL	MINIMUM	MAXIMUM	MEASUREMENT
Agriculture	Exempt		
Automobile Sales and Services	3.5	4	per 1,000 GFA
Consumer/Personal Services	2	3	per 1,000 GFA
Eating and Drinking Places	1	1	per 3 seats
Office Uses	2.5	3	per 1,000 GFA
Places of Assembly	1	1	per 3 seats or by Fire Code
Commercial and Retail Businesses	2	3	per 1,000 GFA

- e. SIZE OF PARKING SPACE: Each off-street parking space shall have the following minimum requirements:

PARKING PATTERN	MINIMUM LANE WIDTH	PARKING SPACE WIDTH	PARKING SPACE LENGTH
Parallel Parking	12'	7'	22'
30° to 53°	12'	8'6"	20'
54° to 75°	15'	8'6"	20'
75° to 90°	20'	9'	20'

- f. SHARED PARKING: Shared Parking, or Effective Parking, is allowed based on the following calculation which is based on the general type of land use or function of the property. The Shared Parking Factor for two land use functions, when divided into the sum of the two amounts as listed on the Required Parking table below produces the Effective Parking needed. *For example, residential parking is calculated at 12 spaces and retail parking is calculated at 32. Summed they equal 44. Using the Shared Parking Table this amount is divided by 1.2 to derive an Effective Parking amount of 36.6 or 37 parking spaces.*

SHARED PARKING TABLE				
	Function			
Function	Residential	Lodging	Office	Retail
Residential	1.0	1.1	1.4	1.2
Lodging	1.1	1.0	1.7	1.3
Office	1.4	1.7	1.0	1.2
Retail/Restaurant	1.2	1.3	1.2	1.0

- g. REDUCTION OF OFF-STREET AUTOMOBILE PARKING:
- Establishments Not Located Along a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by One (1) parking space.
 - Establishments Located on a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by Two (2) parking spaces.
 - Establishments that Connect to a Designated Public Pathway: For each One (1) bicycle parking space the automobile parking can be reduced by Two (2) parking spaces.
- h. REQUIREMENTS OF PARKING AREAS: Every parking area containing six or more spaces shall require site plan review in accordance with Article 4 and shall be developed and maintained in accordance with the following requirements:
- Designed to provide adequate drainage.
 - One tree, hardy to the Michigan climate and at least 2 inches in diameter, is required for every 10 parking spaces. Appropriate trees include Norway Maple, Red Maple, Cleveland Pear, Aristocrat Pear or Little Leaf Linden.
 - Surfaced with concrete or asphalt pavement. Parking areas for outdoor recreational uses may be graveled.
 - Maintained in good condition and free of dust, trash, and debris.

5. The parking area shall be provided with entrances and exits so located as to minimize traffic congestion.
6. Lighting facilities shall reflect the light away from adjoining properties.
7. No part of any parking area shall be closer than 10 feet to the street right-of-way or closer than 5 feet to a lot line in any residential district.
8. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited except in the case of one-family dwellings.
9. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
10. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
11. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
12. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet from adjacent property located in any single-family residential district.

i. OFF-STREET LOADING SPACES

For every building or addition to an existing building requiring the receipt or distribution in vehicles or materials or merchandise, an area adequate for maneuvering and ingress and egress for delivery vehicles and off-street loading spaces as follows shall be provided and maintained on the same lot:

1. From 0 to 1,400 Square Feet of Floor Area: None
2. From 1,401 to 20,000 Square Feet of Gross Floor Area: One space
3. From 20,001 to 50,000 Square Feet of Gross Floor Area: Two Spaces
4. One additional space for each additional 50,000 square feet of gross floor area or fraction thereof.

Each such loading space shall be at least 10 feet in width, 35 feet in width, 35 feet in length, and 14 feet in height.

No such space shall be located within the front setback area or closer than 25 feet to a lot line in any residential district.

7.2 MINIMUM STANDARDS FOR OFF-STREET LOADING FACILITIES

Loading and unloading spaces shall be provided in all commercial districts subject to the following standards and regulations:

- a. Off-street loading areas shall be surfaced with a concrete or bituminous mix pavement and shall be sloped and drained to dispose of surface water.
- b. Any lighting used to illuminate off-street loading areas shall be so arranged so as to direct light away from adjoining premises.
- c. Each loading space shall be at least ten (10) feet wide, twenty-five (25) feet long and shall have a clearance of fourteen (14) feet above grade.
- d. Required loading areas shall be in addition to required off-street parking areas.
- e. Loading spaces may occupy all or any part of any required yard or court space.
- f. No loading spaces shall be located closer than fifty (50) feet to any lot in any R-1 or R-2 District unless wholly within an enclosed building or enclosed on all sides facing R-1 or R-2

Districts, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6) feet in height.

7.3 SIDEWALKS

All new developments shall include sidewalks serving the site and along the public right of way. All public sidewalks and pathways shall:

- a. Be handicap accessible;
- b. Be no less than four (4) feet wide; and
- c. Create a complete linked network of walkways connecting all uses with parks and other areas.
- d. In residential areas sidewalks shall be separated from streets by “planting strips” a minimum of eight (8) feet wide, planted with shade trees.

7.4 STORMWATER MANAGEMENT

As a condition for approval the applicant shall provide official documentation indicating the stormwater run-off system as proposed meets the requirements of the Clare County Storm Water Control Ordinance, and has been reviewed and approved by the Clare County Soil Erosion Officer. When possible, the use of green infrastructure including rain gardens, bioswales, and porous pavement is encouraged.

7.5 STREET TREES

New street trees in commercial districts shall comply with the standards below:

1. Spacing: On every site involving new development or re-development, street trees shall be provided at 25- to 40-foot intervals.
2. Variety: The species of street tree and exact locations shall be as specified on the future streetscape plan. In the event that future streetscape plan has not been prepared, then any of the following street trees shall be planted within the road right-of-way at 25- to 40-foot intervals: Norway Maple, Red Maple, Cleveland Pear, Aristocrat Pear or Little Leaf Linden.

7.6 FENCES

Any fences, walls or similar enclosures which are located in the required front yard in any residential district shall be of an “open-type” or “see-through” material and shall not exceed four (4) feet in height. Also, any fences, walls or similar enclosures which are located in a required side yard or required rear yard in any residential district may be of an obscure type in nature but shall not exceed eight (8) feet in height.

7.7 SIGNS

Sign regulations are addressed in City of Harrison Ordinance 22.050. Please refer to this ordinance for sign standards in all zoning districts.

ARTICLE 8 - PLANNED UNIT DEVELOPMENTS

8.1 PURPOSE

This section provides for planned unit developments to further the health, safety, and general welfare of City residents by permitting the City flexibility in the regulation of land development and encouraging innovation and variety in land use and design of projects. The standards of this section are intended to encourage and provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure.

8.2 ELIGIBILITY

8.2.1 Generally

An application for a planned unit development may be submitted on any parcel or contiguous parcels within the City where the site meets one (1) or more of the following criteria:

- a. Mixed or varied uses are proposed that cannot be achieved under a single zoning district;
- b. The site exhibits unusual topography or a unique setting within the community;
- c. Innovation and variety of design are proposed that are not achievable under the current zoning districts of this ordinance;
- d. Additional amenities are made possible by and incorporated within the development;
- e. A substantial public benefit is proposed within or as a result of the project;
- f. A cross-jurisdictional development is proposed that warrants flexibility in terms of design and layout.

Approval will not be granted when the planned unit development is determined to be sought primarily to avoid the imposition of standards and requirements of existing zoning classifications rather than to achieve the objectives of this ordinance.

8.2.2 Minimum Site Size

The site on which an application for planned unit development is proposed shall be self-contained and shall contain no less than five (5) contiguous acres (exclusive of all existing public and private road rights-of-way on the perimeter of the site). Notwithstanding anything contained in the preceding sentence to the contrary, in the event that a planned unit development is proposed which lies partially within and partially outside the jurisdictional boundary of the City and that portion lying within the City is less than five (5) acres in size, that portion lying within the City may, in the discretion of the Planning Commission, be combined with the acreage of those areas of the proposed planned unit development lying beyond the City's jurisdictional boundaries for purposes of establishing whether the five (5) acre minimum has been met.

To encourage flexibility and creativity consistent with the objectives of the zoning ordinance, the Planning Commission may approve projects of less than five (5) acres. Such a deviation shall be approved through a finding of fact by the Planning Commission that the deviation meets the purpose of a planned unit development set forth in Approval Criteria. In granting such a deviation, the Planning Commission shall consider factors such as preservation of steep topography, soils unsuitable for development, surrounding land uses which may make the parcel unsuitable for traditional development, transfer of acreage or easements to the City or other appropriate organization for broadly beneficial public projects, or truly innovative design. Such a dimensional deviation is not subject to

variance approval by the Zoning Board of Appeals.

8.2.3 Site Accessibility

A planned unit development shall be directly accessible from a major thoroughfare. The City may authorize a project that does not have direct access to a major thoroughfare, provided appropriate findings of fact are made demonstrating that:

- a. The project is directly accessible from a public road of suitable design and construction to handle any anticipated traffic that will be generated by the project;
- b. The anticipated traffic volumes are not reasonably expected to result in adverse impacts for those uses and properties along the public road system; and
- c. The efficiency and safety of the overall public road system will not be negatively impacted.

Open Space: A Planned Unit Development shall be designed to incorporate a minimum of 20% usable open space to supplement the residents of the PUD and/or City. These areas are anticipated to provide recreational opportunities such as parks, trails, playgrounds, and other similar opportunities.

8.3 PRELIMINARY REVIEW AND DECISION

8.3.1 Generally

Preliminary review shall establish proposed land uses, project density, site layout and design, proposed vehicular and pedestrian circulation patterns, natural resource protection areas, open space, land use buffers, grading, storm water management patterns, and site servicing. Final engineering is not required for preliminary review and decision.

8.3.2 Completeness Review

The Zoning Administrator or Planner of Record shall conduct a completeness review. The Zoning Administrator will also bring in other departments as needed to ensure the application meets all relevant agency standards and codes.

8.3.3 Planning Commission

- a. The Planning Commission shall hold a public hearing on the development application.
- b. Following review and public hearing on the application, the Planning Commission shall make a preliminary recommendation to the City Council on whether to approve or deny the request for preliminary planned unit development approval. Preliminary recommendation of a planned unit development shall specify all conditions that must be satisfied prior to submission of the planned unit development under Final Review and Decision.
- c. Preliminary plans may not be changed or amended except as required by final engineering.

8.3.4 City Council

- a. Upon receipt of the Planning Commission's recommendation, the City Council may hold a public hearing on the application for preliminary planned unit development approval and may specify additional conditions or requirements that shall be satisfied prior to submission of the planned unit development under final review and decision.

- b. Preliminary plans may not be changed or amended except as required by final engineering.

8.4 FINAL REVIEW AND DECISION

8.4.1 Generally

Final review shall address all conditions imposed by the Planning Commission and/or City Council in the preliminary decision on the planned unit development. Applications for final review and decision shall not be considered until all conditions have been addressed.

8.4.2 Completeness Review

The Zoning Administrator or Planner of Record shall conduct a completeness review to determine that all conditions of the preliminary decision have been addressed. No application shall be referred to the Planning Commission until this standard has been satisfied. The appellate agency for purposes of this completeness review is the Planning Commission. Upon certification by the Zoning Administrator or Planner of Record that all requirements of the preliminary recommendation have been satisfied, the application shall be referred to the Planning Commission for its final review and recommendation.

8.4.3 Planning Commission

- a. The Planning Commission may hold a public hearing on such application for final review and decision.
- b. After review, the Planning Commission shall transmit its final recommendation to the City Council to approve, approve with final conditions, or deny the request.

8.4.4 City Council

- a. The City Council shall hold a public hearing on the application for final review and decision.
- b. Following review and public hearing, the City Council shall deny, approve, or approve with final conditions the request for final planned unit development approval. Approval of a planned unit development shall be incorporated in a Report and Decision Order that shall include the decision, the basis for the decision and any final conditions imposed. The decision shall be made within 90 days of receiving all requested information.

8.5 APPROVAL CRITERIA

In its review of an application the City shall, at a minimum, consider the criteria as defined in 8.5.1, 8.5.2, and 8.5.3.

8.5.1 Scope of Authority - Uses

A planned unit development may include any principal and other use(s) permitted by right, permitted under special condition or permitted by special use permit in the zoning district where the land is located. The City Council may also authorize principal and other uses not permitted in the zoning district where the land is located, provided appropriate findings of fact are made demonstrating that:

1. The proposed uses, within the context of the overall development plan, are harmonious and compatible with the planned uses of the site and the

surrounding area, as provided for within the Master Plan;

2. The proposed density is in accordance with the policies and objectives set out in the Master Plan; and
3. In areas where the surrounding lands have been substantially developed in accordance with a particular land use character, pattern and density, the planned unit development shall be consistent and compatible with that existing land use character, pattern and density.

8.5.2 Scope of Authority - Dimensional Standards

A planned unit development may alter and establish lot size limits, required facilities, buffers, open space areas, density limits, setback requirements, height limits, building size limits, off- street parking regulations, landscaping rules, miscellaneous regulations, and intensity limits where such regulations or changes are consistent with the intent of this section and the standards set forth herein.

OBJECTIVES

The following objectives shall be considered in reviewing any application for a planned unit development:

- a. To permit flexibility in the regulation of land development;
- b. To encourage innovation in land use and variety in design, layout, and type of structures constructed;
- c. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities;
- d. To encourage useful open space; to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the Region;
- e. To encourage the innovative use, re-use, and improvement of existing sites and buildings; and
- f. To permit development in accordance with the policies and objectives of the Master Plan.

8.5.3 Criteria

In order to foster the attractiveness of a planned unit development and its surrounding neighborhoods, preserve property values, provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria apply to planned unit developments. These criteria shall neither be regarded as inflexible requirements, nor are they intended to discourage creativity or innovation.

1. The uses will be compatible with the natural environment, and with adjacent and surrounding land uses and properties, and will not have an adverse economic, social or environmental impact on adjacent and surrounding land uses and properties;
2. The uses will be compatible with the capacity of existing public services and facilities, or of planned and feasible future public services and facilities, and such use is consistent with the public health, safety and welfare of the City residents;
3. The uses and development are warranted by the design of additional amenities made possible with, and incorporated by, the development proposal;
4. As is practicable, the landscape shall be preserved in its natural state by minimizing tree and soil disturbance and removal;

5. Existing important natural, historical and architectural features within the development shall be preserved;
6. Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings;
7. With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, minimizing potential motorized/non-motorized conflict points, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as is practicable, do not detract from the design of proposed structures and neighboring properties;
8. Landscaping is provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and, where applicable, to create a pleasant pedestrian scale outdoor environment;
9. The development consolidates and maximizes usable open space;
10. The benefits of the development are not achievable under any single zoning classification; and
11. The development is compatible with the intent and purpose of the adopted Master Plan.

8.6 AMENDMENTS

Amendments to an approved Planned Unit Development shall be considered according to the review procedure under Final Review and Decision.

ARTICLE 9 - SITE PLAN REVIEW

9.1 APPLICABILITY

A site plan is required for the following:

- a. Minor Site Plan:
 1. For a change in use to any permitted or special land use where no increase in the building footprint or other site changes are proposed;
 2. For an expansion of an existing permitted or special use, where the building footprint and parking area is increased by no more than twenty-five (25) percent and no more than one thousand (1,000) square feet in area; and
 3. For any other use as required in this ordinance.
- a. Full Site Plan:
 1. Special use in any district;
 2. Special regulated uses in accordance with Article 4;
 3. Non-single-family use permitted in any district; and
 4. Residential subdivision or condominium project with over four residential units.
- b. Applicability Exceptions: A site plan is not required for the following:
 1. Construction of or alteration to a single-family dwelling; and
 2. Construction of an accessory structure in any residential zoning district.

9.2 INFORMATION REQUIREMENTS FOR A MINOR SITE PLAN

- a. Site plans shall be drawn at a scale depicting no more than one hundred (100) feet per inch and shall include plan preparation and revision dates, a graphical scale, and a north arrow.
- b. For a previously undeveloped property or where otherwise deemed necessary by the Zoning Administrator or the Planning Commission, a survey of the property showing property line dimensions, and easements of record, and required setbacks.
- c. Present zoning of the subject property and adjacent property.
- d. All existing or proposed public and private right-of-way and easement lines located on and adjacent to the subject property.
- e. Location and total number of curb cuts, driveways, off-street parking, and loading spaces.
- f. Area of subject property to be covered by buildings including the location and dimensions of all existing and proposed structures; and a description of the proposed use(s) for all structures.
- g. Such other information regarding the development area that may be required to determine conformance with this Ordinance.
- h. The site plan shall be accompanied by a signed application; the application shall, at a minimum, include the applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant, and tax identification number; signature of the applicant and the property owner or of someone acting upon written consent of the owner.

9.3 INFORMATION REQUIREMENTS FOR A FULL SITE PLAN

All information required for a minor site plan shall be required for a full site plan in addition to the following:

- a. Location map depicting the proposed development site, section lines and numbers, and

- major roadways within two thousand (2,000) feet of the site;
- b. Existing and proposed sewer, water, and other utility lines, plus location and type of sewage treatment facility and water sources;
 - c. Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport storm water or wastewater as well as point of discharge; and
 - d. Location, size, height and description of all trash receptacles, light fixtures, and any other accessory structures and uses.

9.4 PROCEDURES

- a. Submission of Site Plan for Review. The applicant shall provide to the Zoning Administrator seven (7) copies of the proposed site plan. If the proposed site plan is found to be incomplete, it shall be returned to the applicant with a list of deficiencies. The Zoning Administrator may waive information requirements of the Site Plan Review upon finding that the information is not pertinent to the review of the application. The Zoning Administrator will also bring in other departments as needed to ensure the application meets all relevant agency standards and codes. Upon finding that the Site Plan is complete, the Zoning Administrator shall place the Site Plan on the Planning Commission's next regular or special meeting agenda.
- b. Action. Upon full study and review of the site plan and application, and upon receiving input from outside agencies and if necessary consulting reviewers, the Planning Commission shall deny, approve, or approve with conditions the Site Plan. The Planning Commission may also table the application for further study. The Planning Commission may impose conditions in addition to the specific requirements of this Ordinance. The Planning Commission may require a performance guarantee. Any conditions required by the Planning Commission, together with the reasons for those conditions, shall be provided in writing to the applicant. The decision shall be made within 90 days of receiving all requested information.

9.5 STANDARDS FOR GRANTING SITE PLAN APPROVAL

- a. Each Site Plan shall conform to the applicable provisions of this Ordinance (including all use and dimensional standards, parking requirements, setbacks, etc.)
- b. Arrangement of Structure: Site plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse effects on adjacent properties and future users.
- c. Vehicular and Pedestrian Traffic: Site plans shall fully conform to applicable driveway and traffic standards. Further, the site shall be designed to protect the safety and convenience of pedestrian and vehicular traffic.
- d. Public Safety: Site plans shall fully conform to any applicable fire safety and emergency vehicle access requirements.
- e. Drainage: Site Plans shall provide proper storm drainage meeting all local standards.
- f. Hazardous Waste Management: Site Plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
- g. Public Health: Site Plans shall fully conform to the requirements of the Michigan Department of Public Health and other applicable agencies. All site plans shall be designed to protect current or future residents from obnoxious, objectionable, nuisances, or dangerous off-site impacts including, but not limited to, heat, glare, fumes, dust, noise, vibration, and odors.
- h. Statutory Compliance: Site Plans shall fully conform to all applicable state and federal statutes.
- i. Conformance with City Master Plan: Site Plans shall fully conform to the land use policies,

goals and objectives of the Master Plan.

9.6 SITE PLAN AMENDMENTS

No change shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator and according to the following procedures:

- a. Except for major changes as detailed below, amendments to approved site plans may be approved by the Zoning Administrator or referred to the Planning Commission.
- b. Major Change. A change or amendment to a Planning Commission-approved site plan, involving a change in the number of parking spaces over ten (10) percent, a major relocation or re-siting of a building, or significant increase in gross floor area or building height shall be considered a major change and shall require Planning Commission approval.

ARTICLE 10 - ZONING BOARD OF APPEALS.

10.1 APPOINTMENT AND ESTABLISHMENT

The Zoning Board of Appeals is authorized by the provisions of the City and Village Zoning Act, being Act 207, P.A. 1921, State of Michigan which states that the City Council may act as a Zoning Board of Appeals or the City Council may appoint the Zoning Board of Appeals. The Board of Appeals shall be appointed in accordance with Section 5 of Act 207, P.A. 1921. Such Board of Appeals shall consist of not less than five (5) members and it may fix rules and regulations to govern its procedure.

10.2 DUTIES AND RESPONSIBILITIES

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determinations made by an administrative official charged with the enforcement of this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in the terms of this code, nor to allow a use not otherwise permitted in a zoning district, but does have the power to act on those matters where this Ordinance provides for administrative review or interpretation and to authorize a variance after proper review and public hearing. Any decision of the Zoning Board of Appeals, after following correct and lawful procedure, shall be final after the Chairman of the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

- a. Appeals. The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or determination made by the administrative official or body charged with the enforcement of this Zoning Ordinance. The Zoning Board of Appeals shall not hear any appeal in the decision on a request for a special use.
- b. Interpretations. Upon application by a City official or person interested in a specific affected parcel of land, when other administrative appeals have been exhausted, the Board shall have the power to:
 1. Interpret this Zoning Code in such a way as to carry out its intent and purpose;
 2. Determine the precise location of a zoning district;
 3. Classify a use which is not specifically mentioned, determine the district within which the use is permitted and determine the necessary parking to support the use; and
 4. Interpret other ordinance standards.
- c. Variances. The Board shall have the power to authorize specific variances or departures from this Zoning Code, if all of the basic conditions are satisfied, and if there are practical difficulties in the way of carrying out the strict letter of this Zoning Code. A variance from the dimensional requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement.
- d. Basic conditions. Any variance granted from this Zoning Code shall meet the following basic conditions:
 1. The spirit of this Zoning Code shall be observed, public safety secured and substantial justice done;
 2. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located;
 3. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable;

4. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant;
 5. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district;
 6. The alleged hardship or difficulty is not solely economic, and is based on the reasonable use of a particular parcel of land; and
 7. It may be denied where the alleged practical difficulties resulted from an act of the applicant or associated party.
- e. Practical difficulties. In order to determine if there are practical difficulties which prevent carrying out the strict letter of this ordinance, a practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.

10.3 RULES OF PROCEDURE

The Board of Zoning Appeals shall follow such procedures as are established by statute, ordinance and resolution of the Board. These procedures shall include:

- a. Appeals Generally. For purposes of these rules of procedure, an appeal shall include all applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.
- b. Initiating Appeals. Appeals shall be filed with the Zoning Administrator within thirty (30) days after written notice is given of the action being appealed. An appeal must be submitted at least twenty-eight (28) days before the Board meeting at which it will be considered.
- c. Filing Fees. The filing fee for appeals shall be established by resolution of the City Council.
- d. Notices and Advertisements. Notice and advertisement of an appeal will be given pursuant to the Michigan Zoning Enabling Act.
- e. Application Contents. In addition to all other requirements of statute and ordinance, applications shall be in a form determined by the Zoning Administrator and shall contain such information as the Zoning Administrator shall direct. Such applications shall also include the following:
 1. A site plan or site diagram reflecting accurate dimensions of the property, the location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Zoning Administrator, such drawing shall be a survey performed by a registered land surveyor;
 2. The name, address and telephone number of the applicant and all authorized agents of the applicant;
 3. The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application; and
 4. All known previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.
- f. Reconsideration. An applicant may re-appeal a decision after twelve (12) months from the decision of the Board. The Board will not reconsider any appeal within twelve (12) months from the date of the decision unless circumstances have substantially changed, that were unknown to the board. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application. Before rehearing the matter, the Board shall decide whether there is a substantial change in circumstances allowing the rehearing.

ARTICLE 11 - ADMINISTRATION AND ENFORCEMENT

11.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by and on such terms as determined by the City Council. The Zoning Administrator is hereby designated as the authorized City official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

11.2 DUTIES

It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny same; to inspect buildings or structures in order to determine compliance with the land use permits issued in compliance with this Ordinance, and to be in charge of the enforcement of this Ordinance. The City Council may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The City Council may instruct the Zoning Administrator in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.

11.3 LAND USE PERMITS

11.3.1 General

No person shall erect or move a structure to the extent of more than one hundred square feet of floor area or to establish a new use or change in use for any parcel, without a land use permit. The Zoning Administrator shall issue a land use permit if the proposed structure or use is in compliance with the provisions of this Ordinance. The applicant shall furnish permits or approvals from the Clare County Health Department, the Clare County Road Commission, and the Michigan Department of Natural Resources, if required, before the Zoning Administrator may issue a permit. A copy of each land use permit will be retained by the Zoning Administrator as a part of the permanent records of the City. The Zoning Administrator shall promptly inform the applicant of the denial of a land use permit if the proposed structure or use does not comply with the provisions of this Ordinance.

11.3.2 Evidence of Ownership

All applications for land use permits under the provisions of this Ordinance shall include the land owner's signature authorizing the application for the permit and be accompanied with proof of ownership of all property affected by the coverage of the permit. Proof of ownership shall be established by one of the following means:

- a. Current title policy, or commitment, abstract or attorney's opinion of title;
- b. For properties in Residential Districts, a certification of ownership by the owner or his agent, shall be deemed sufficient or such other evidence of ownership as the Zoning Administrator determines acceptable.

11.3.3 Property Boundaries

In cases where property boundaries are not clearly indicated by corner markers or other means, the Zoning Administrator may require, at the applicant's expense, the property to be located by a registered surveyor. In cases on properties located along a stream or shoreline, if there is any question of the location of the "high water mark", the Zoning Administrator may also require this level to be set and marked by a registered surveyor.

11.3.4 Supporting Documentation

In the event the Zoning Administrator feels additional information is required before determining the suitability of an application for a land use permit, the Zoning Administrator may request that the applicant submit such additional information as surveys, deed descriptions, soil suitability tests, surface water disposal surveys, erosion control surveys, excavation disposal plans, easements, and permits from other governmental agencies.

11.3.5 Voiding Permit

Any permit granted under this section shall become null and void after one year from the date of granting such permit unless the development proposed shall have passed its first Clare County Construction Code inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of such voiding action by sending a notice by certified mail to the applicant at the address indicated on the permit application. The applicant shall have the option of extending the permit by a maximum of six months upon written notice to the Zoning Administrator. Said notice shall be filed no later than five working days following the expiration of the permit.

11.3.6 Inspection

The developer of the property is solely responsible for meeting the conditions and terms of the land use permit and this Ordinance.

11.4 FEES

The fees for applications, permits and other requests shall be established by the City Council. Fees must be paid before a land use permit is issued.

ARTICLE 12 - AMENDMENTS

12.1 REQUEST

The Planning Commission shall consider a proposed Ordinance provision brought to the commission by an interested property owner who requests a hearing by certified mail, addressed to the City Clerk.

12.2 CONDITIONAL REZONING

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of the City to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, being MCL 125.3405, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

12.3 PROCEDURE

Except as set forth in this Section, the procedure for the amendment of this Ordinance shall be as provided for by the Michigan Zoning Enabling Act.

ARTICLE 13 - SEVERABILITY

13.1 VALIDITY

If any part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder thereof, but shall be confined in its operation to the part thereof directly involved in the controversy in which said judgment shall have been rendered.

13.2 NUISANCE PER SE

Any land, dwellings, buildings or structures; including tents, used, erected, altered razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted; adopted or issued pursuant to this ordinance are hereby declared to be a nuisance per se.

ARTICLE 14 - VIOLATIONS

14.1 PENALTIES

Any person who shall violate any provision of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed \$500 or may be imprisoned not to exceed 90 days, or may be both fined and imprisoned in the discretion of the Court, and each day such violation continues shall be deemed a separate offense.

14.2 MUNICIPAL CIVIL INFRACTION

Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined above or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

14.3 NUISANCE ABATEMENT

In addition to enforcing this Ordinance as a municipal civil infraction the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

ARTICLE 15 - DEFINITIONS

For the purpose of this Ordinance the following rules shall apply to the terminology in the text and the following definitions shall apply to words and phrases used in the text.

Accessory uses and structures – Uses and structures which are customarily accessory and clearly incidental and subordinate to, and on the same zoning lot as permitted principal or special uses and structures in any zoning district.

Adult Entertainment Businesses – Any adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, but not including those uses or activities, the regulation of which is preempted by state law.

Alteration – Any change in size or shape, of a building or structure.

Awning – A roof-like cover located at the top of the store front and above windows meant to give shelter from the elements.

Bed and breakfast establishments – A private residence that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent, is the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, serves breakfast at no extra cost to its transient tenants, does not involve the employment of persons other than the occupants of the residence, and has a properly operating smoke detector in every sleeping room and a properly operating fire extinguisher on every floor. For the purpose of this definition, a transient tenant shall mean a person who rents a room in a bed and breakfast establishment for fewer than fourteen (14) consecutive days.

Bracket – An overhanging member that projects from a structure (as a wall) and is usually designed to support a vertical load or to strengthen an angle.

Board of Appeals – The Zoning Board of Appeals of the City of Harrison.

Building – Any structure, either temporary or permanent, having a roof and walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind. A building shall include tents, mobile homes, manufactured housing, storage sheds, garages, greenhouses, pole barns, semi-trailers, vehicles situated on a parcel and used for the purposes of a building and similar structures. A building shall not include such structures as signs, fences, smokestacks, canopies or overhangs but shall include structures as storage tanks, produce silos, coal bunkers, oil cracking towers, or similar structures.

Building alignment or line – A line usually parallel to a front, rear or side property line beyond which a structure may not extend. This line is located at the point of the foundation of a principal building nearest to the front, rear or side lot line and generally does not apply to uncovered entrance platforms, porches, terraces or steps.

Building height – The vertical distance measured from the established grade at the center of the building at the front building line to the highest point of the roof surface in a flat roof, to the deck line for a mansard roof, to the mean height level between the eaves and the ridge for hip, gable and gambrel roofs.

Bulkhead – The bottom part of the storefront face that is typically one to two feet high and carries the storefront display window.

Canopy – A permanent roof-like cover located at the top of the store front entry door meant to give shelter from the elements. It is constructed of non-rigid materials except for the supporting framework.

Chattels – Movable property: an item of personal property that is not freehold land and is not intangible. Chattels are typically movable property chattels personal, e.g., furniture or cars, but may also be interests in property chattels real, e.g., leases.

Clinic – An institution for the medical treatment of humans or in the case of a veterinary clinic the medical treatment of small animals and dealing chiefly with outpatients.

Club or lodge – The room, building or other facilities used for the meetings of a group of people organized for a common purpose such as a fraternal organization or a society.

Decibel – A unit for measuring the amplitude of sounds, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure of 20 micropascals.

Drive-in facilities – Any place or premises which offers the sale of goods or services to customers in vehicles including those establishments where customers may serve themselves and use the goods or services on the premises.

Dwelling, single-family – A detached residential dwelling unit other than a mobile home, but including a modular home, designed for and occupied by one family only.

Dwelling, two-family – A detached residential building containing two dwelling units, designed for occupancy by not more than two (2) families.

Dwelling, multiple-family – A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling unit – One or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking and eating.

Essential services – Equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or governmental departments or commissions or for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the essential service equipment.

Exterior architectural appearance – The architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color, texture and dimension of the building material, and the type, design, color and character of all windows, doors, light fixtures, signs and accessory elements.

Facade – The exterior wall of a building exposed to public view.

Family – An individual or two (2) or more persons related by blood or marriage or a group of not more than two (2) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

Flea market – A shop or open market selling antiques, used or new household goods, tools, handicrafts, curios and the like.

Front yard – The open space or minimum horizontal distance extending from the full width of the lot between a building or required setback and the front lot line.

Gasoline service station – Any structure or premises arranged, designed or used for the retail sales of fuels, lubricants, air, water and other operating commodities for motor vehicles and including the customary space and facilities for the installation of such commodities on or in such vehicles and for the washing or polishing of such vehicles but not including the use of space or facilities for the refinishing of motor vehicles or for the dismantling for the purpose of reuse or resale of motor vehicles or parts thereof or for the outdoor storage or repair of motor vehicles or parts thereof.

Hardscape – Any exterior paving such as driveways, sidewalks, patios and terraces which are constructed of a brick paver, stone, compacted gravel, concrete or bituminous concrete surface.

Height of structure – The vertical distance measured from the established grade at the center of the front of the structure to the highest point of the structure whether it be a roof, wall, parapet or similar appurtenance of the structure.

High Water Elevation – A mark delineating the highest water level of a body of water which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high-water elevation is commonly that point where the natural vegetation and landscape changes from predominantly aquatic to predominately terrestrial.

Home occupation – Any occupation customarily conducted within a dwelling unit by its occupants as a subordinate use and within one room thereof; provided that:

- No stock in trade may be kept or article sold or offered for sale in the dwelling except such as are produced by such home occupation.

- No display of goods or signs pertaining to such uses are visible from any public way.
- No persons shall be employed other than dwelling occupants.
- No such home occupation shall be conducted in any accessory building.
- No such home occupation shall require interior or exterior alterations or the use of mechanical equipment except that customarily utilized for residential or office purposes.

Junkyard – An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles and also including an auto wrecking yard but not including uses established entirely within closed buildings. **Kennel** – Any premises on which dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration or are kept for the purpose of sale.

Landscaping – Any modification or embellishment of the plant cover or hardscape pavement of a property or resource.

Loading space, off-street – Space logically and conveniently located for merchandise or passenger pickups and deliveries, located on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.

Lot – A parcel, tract or portion of land separated from other parcels or portions of land by description on a recorded plat or by metes and bounds description.

Lot, corner – Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. Any lot line separating the lot from any street shall be construed as a front lot line.

Lot, double frontage – Any lot including a corner lot as defined herein, and a lakefront lot having two (2) or more sides abutting on one (1) or more streets or on a street and a lake. Any lot line separating the lot from any street or a lake shall be construed as being a front lot line.

Lot line – Any line bounding a lot.

- **Front Lot Line** – The lot line separating the lot from the street or from a lake.
- **Rear Lot Line** – A line, or series of connected lines representing the boundary of the property usually opposite and usually most distant from the front property line. In the case of a corner lot only one rear yard will be required. In the case of any other double-frontage lot no rear yard will be required. In instances of converging side lot lines at the rear of the yard, an imaginary line ten (10) feet in length most nearly parallel with and furthest from the front lot line shall be construed as the rear lot line.
- **Side Lot Line** – Any lot line other than a front or rear lot line.

[Mini-warehouse] enclosed leased storage – A building divided into small storage units for the purpose of rental or leasing of the individual units on a contractual basis to non-commercial entities.

Mobile home – A manufactured relocatable residential unit providing complete, independent living facilities for one (1) family including permanent provisions for living, sleeping, eating, cooking and sanitation located on a permanent foundation.

Mobile home park – A lot, parcel or tract of land used as the site of occupied mobile homes, including any structure, vehicle or enclosure used as part of the equipment of such mobile home park and licensed or licensable under the provisions of Act No. 243, P.A. of 1959, State of Michigan, as amended.

Modular home – A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.

Nonconforming use or structure – Any use or structure which was lawfully existing immediately prior to the time this Ordinance became effective and which does not now comply with the requirements thereof.

Non-residential – Any resource containing commercial, office, institutional uses or mixed uses.

Parking space, off-street— Any space used for the off-street parking of motor vehicles in all districts.

Pool, private swimming— Any artificially constructed basin or other structure for the holding of five hundred (500) or more gallons of water for the use by the owner, his family or guests for aquatic sports or recreation.

Principal use— The primary or chief purpose for which a lot is used.

Public utility— Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing to the public under federal, state or municipal regulations, electricity, gas, steam, communications, transportation or water.

Public utilities facilities— Electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings and telephone repeater buildings, and other similar utility uses. Also referred to as Essential Services.

Rear yard— A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the required setback.

Repair— To restore a decayed or damaged resource to a good and sound condition by any process. Repairs which do not change the exterior architectural appearance of a resource except through the elimination of the usual and expected effects of time and weathering do not constitute work.

Rooming house— Also referred to as a boarding home, lodging house, fraternity house, sorority house or dormitory. A dwelling having one kitchen and used for the purpose of providing lodging or lodging and meals for pay or compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

Setback line— The line limiting the minimum horizontal distance between the front of a structure and the front property line.

Sign— Any device designed or intended to inform or attract the attention of any person.

Special use— A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, location, size or relation to the surrounding area would be in the best interest of the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.

Story— That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground. A basement is not counted as a story.

Structure— Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground including buildings, building walls, but not including open and uncovered decks, patios, terraces and similar outdoor areas.

Travel Trailer— Vehicular, portable structure built on a chassis, designed or used as a temporary dwelling for travel, recreational, and vacation uses.

Travel Trailer Park— An area or premises on which space available is rented, held for rent, or on which free occupancy or camping is permitted for travel trailer owners or users on a temporary basis.

Transition line— A horizontal line extending the full width of the facade expressed by a one foot material change, a trim line or a balcony a minimum of two and one-half feet in depth.

Use, lawful— A use or enterprise or purpose that is not contrary to federal, state, or local laws or ordinances.

Yard— An open space on the same lot with a structure, unoccupied and unobstructed on or above grade level which extends along a lot line and to a depth or width specified in the yard requirements for the zoning district in which it is located.

Yard, required front— The open space extending the full width between the side lot lines and also the full depth between the front lot line and the required setback line as specified for each zoning district.

Yard, required rear – The open space extending the full width between the side lot lines and also the full depth from the rear lot line to the line specified as the minimum distance a structure may be located from the rear lot line as specified for each zoning district.

Yard, total – The total yard, whether it be front, side or rear, is that yard that is the remaining space between the outside limits of the principal use or structure and the respective lot line. This total yard may contain a portion of the buildable area as well as the required yard on the lot.

Yard, total rear – The open space extending the full width between the side lot lines and also the full depth from the rear lot line to the rear of the principal structure located on the lot.

Zoning administrator – The duly authorized official of the City of Harrison who is responsible for the administering and enforcing of this Ordinance.

Zoning districts – The areas into which the City of Harrison has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in this Ordinance.