



HARRIS TOWNSHIP ZONING ORDINANCE

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Alex Jorasz, Jr.

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TABLE OF CONTENTS

ARTICLE I: PURPOSE OF ZONING	1
Section 101 Purpose	1
Section 102 Short Title	2
ARTICLE II: DEFINITIONS	3
Section 201 Construction of Language	3
Section 202 Definitions	4
ARTICLE III: ZONING DISTRICTS AND MAPS	26
Section 301 Establishment of Districts	26
Section 302 Zoning District Maps	26
Section 303 Interpretation of the Zoning Map	26
Section 304 Replacement of Official Zoning Map	27
Section 305 Application of District Regulations	27
Section 306 Scope of Provisions	27
Section 307 Conflicting Regulations	28
Section 308 Exemptions	28
Section 309 R-1 Residential One	28
Section 310 R-2 Residential Two District	29
Section 311 RR Rural Residential District	30
Section 312 TD Town Development District	31
Section 313 RP Resource Production District	33
Section 314 AP Agriculture Production District	34
Section 315 TP Timber Production District	35
Section 316 I Industrial District	35
Section 317 Recreational Uses	36
ARTICLE IV: GENERAL REGULATIONS	38
Section 401 Height, Bulk and Placement Regulations	38
Section 402 Accessory Buildings and Uses	38
Section 403 Accessory (Echo) Housing	40
Section 404 Waterfront Setback	41
Section 405 Right-of-Way	41
Section 406 Minimum Building Floor Area	41
Section 407 Placement of Decks	41
Section 408 Home Occupation	41
Section 409 One Principal Structure or Use Per Lot	42
Section 410 Variance of the Size and Width of Lots of Record	42
Section 411 Allocation and Reduction of Lot Area	42
Section 412 Height Requirement Exemptions and Restrictions	43
Section 413 Off-Street Parking Requirements	43

ARTICLE IV - continued

Section 414 Off-Street Parking Space Layout, Standards, Construction and Maintenance	45
Section 415 Access to a Street (Lot of Record)	46
Section 416 Private Roads Serving More than One Lot	46
Section 417 Plant Materials and Spacing Requirements	47
Section 418 Required Planting Screens	49
Section 419 Fence Regulations	49
Section 420 Minimum Mobile Home Requirements	50
Section 421 Garage Sales	50
Section 422 Temporary Agricultural Products Stand	50
Section 423 Wireless Communication Facilities and Attached Wireless Communication Facilities	51
Section 424 Outdoor Wood-Fired Boiler, Stove, or Furnace	53

ARTICLE V: PLANNED UNIT DEVELOPMENT

Section 501 Intent	55
Section 502 Eligibility	55
Section 503 Application and Modification Powers	55
Section 504 Preliminary Conference	56
Section 505 Preliminary Application	56
Section 506 Final Application	58
Section 507 Authorization and Issuance of Conditional Use Permit	59
Section 508 Planned Unit Development Standards	59
Section 509 Changes in Approved PUD	60

ARTICLE VI: OPEN SPACE PRESERVATION

Section 601: Intent	61
Section 602: Eligibility Criteria	61
Section 603: Project Design Standards	61
Section 604: Project Standards	63
Section 605: Application and Approval Process	64
Section 606: Revision of Approved Plans	64

ARTICLE VII: SIGNS

Section 701 Intent	65
Section 702 Regulations for Signs in Residential Areas	65
Section 703 On-Premises Sign Regulations	65
Section 704 Off-Premises Sign Regulations	66
Section 705 Agricultural Sign Regulation	67
Section 706 Cluster Sign Regulations	67
Section 707 Signs for Conditional Use	68
Section 708 Temporary Signs	68
Section 709 Construction Signs	68

ARTICLE VII - CONTINUED	
Section 710 Exempt Signs	68
Section 711 Lighting of Signs	69
Section 712 Placement of Signs	69
Section 713 Maintenance of Signs	69
Section 714 Nonconforming Signs	69
ARTICLE VIII: SITE PLAN REVIEW	71
Section 801 Intent	71
Section 802 Site Plan Required	71
Section 803 Site Plans for Single and Two-Family Dwellings and Residential Accessory Uses and Structures	71
Section 804 Site Plans for Commercial, Industrial, Open Space Preservation Option, and Multiple Family Development	72
Section 805 Review Procedures	72
Section 806 Standards for Site Plan Approval	73
Section 807 Site Plans for On-Site Wind Energy Systems and Utility Grid Wind Energy Systems	74
Section 808 Additional Site Plan Requirements for Utility Grid Wind Energy Systems	74
ARTICLE IX: CONDITIONAL USE PERMITS	76
Section 901 Intent	76
Section 902 Application Procedure	76
Section 903 Conditions and Approvals	77
Section 904 General Standards	77
Section 905 Conditions for Utility Grid Wind Energy Systems and On-Site Wind Energy Systems Over 80 Feet High	79
Section 906 Conditions and Safeguards	82
Section 907 Appeals	83
Section 908 Sexually Oriented Businesses (SOB)	83
ARTICLE X: NONCONFORMING USES AND STRUCTURES	85
Section 1001 Intent	85
Section 1002 Class A Nonconforming Uses and Structures	85
Section 1003 Procedure For Obtaining Class A Designation	85
Section 1004 Provisions for Class A Nonconforming Uses and Structures	86
Section 1005 Revocation of Class A Nonconforming Uses and Structures	87
Section 1006 Class B Nonconforming Uses and Structures	87
ARTICLE XI: ADMINISTRATION AND ENFORCEMENT	89
Section 1101 Administration	89

ARTICLE XI - CONTINUED

Section 1102	Administrative Standards	89
Section 1103	Administrative Procedures for Public Notifications	89
Section 1104	Standards for Hearings and Zoning Administration	91
Section 1105	Zoning Administrator	91
Section 1106	Duties of Zoning Administrator	92
Section 1107	Zoning Compliance Permit	92
Section 1108	Special Zoning Orders Book and Map	93
Section 1109	Fees	93

ARTICLE XII : TOWNSHIP PLANNING COMMISSION:

ZONING AUTHORITY

		94
Section 1201	Designation	94
Section 1202	Changes and Amendments	94
Section 1203	Required Amendment Information	94
Section 1204	Amendment Procedure	94
Section 1205	Review of Amendment by Planning Commission	95

ARTICLE XIII: ZONING BOARD OF APPEALS

		97
Section 1301	Creation and Membership	97
Section 1302	Procedures	97
Section 1303	Duties and Powers	97
Section 1304	Variances	98
Section 1305	Appeals	99
Section 1306	Duties on Matters of Appeal	99

**ARTICLE XIV INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES, AND EFFECTIVE DATE**

		100
Section 1401	Interpretation and Conflict	100
Section 1402	Severability	100
Section 1403	Vested Right	100
Section 1404	Violations; Penalties and Nuisances	100
Section 1405	Repealing Clause	101
Section 1406	Effective Dates	101

ARTICLE I: PURPOSE OF ZONING

THE TOWNSHIP OF HARRIS HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Harris Township, in accordance with the provisions of Public Act 184 of 1943, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.) hereinafter referred to as the "Zoning Act." Amended 7.18.11

Section 101 Purpose

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
 2. Protecting and conserving the character and social and economic stability of residential, commercial, agricultural, industrial and other use areas;
 3. Securing the most appropriate use of land;
 4. Protecting the character and stability of the Township's valuable natural resources-agricultural lands and forests;
 5. Promoting the orderly and beneficial development of residential and nonresidential areas within Harris Township;
 6. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
 7. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
 8. Providing for the needs of forest resource production, housing, and commerce for future growth;
 9. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

10. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
11. Enhancing social and economic stability in the Township;
12. Conserving the taxable value of land, buildings and structures in the Township;
13. Enhancing the aesthetic desirability of the environment throughout the Township;
14. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land;
15. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

Section 102 Short Title

- A. This Ordinance shall be known and may be cited as the Harris Township Zoning Ordinance of the Township of Harris, County of Menominee, Michigan.

ARTICLE II: DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words structures and buildings associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
 9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 10. The word "lot" includes the words "plot" and "parcel."
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

- c. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply singular but not in combination.
12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

- A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:
 1. **Accessory Building**: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
 2. **Accessory Use**: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
 3. **Adult Foster Care Family Home**: A private home with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
 4. **Adult Foster Care Large Group Home**: A licensed facility with approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
 5. **Adult Foster Care Small Group Home**: A licensed facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
 6. **Agriculture**: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.

7. Agricultural Produce Stand: A structure which is used seasonally for display and sale of agricultural produce, and farm products, flowers, Christmas trees and wreaths and grave blankets.
8. Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
9. Alterations: Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
10. Ambient: The sound pressure level exceeded 90% of the time or L_{90} . **Amended 7.18.11**
11. Anemometer Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM. **Amended 7.18.11**
12. ANSI: The American National Standards Institute. **Amended 7.18.11**
13. Apartment: A dwelling unit within an apartment building.
14. Apartment Building: A residential structure containing three or more attached one family dwellings.
15. Area, Sign: The entire area within a circle, triangle, parallelogram or other polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
16. Attached Wireless Facilities: Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.

17. Automotive Repair Facility: A premise where the following services may be carried out in a completely enclosed building: where general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles takes place.
18. Automotive Body Work Facility: A premise where the following services may be carried out in a completely enclosed building: collision services such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
19. Basement: The portion of a building which is partly, or wholly below grade but so located that the vertical distance from an average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from an average grade to the ceiling is more than five feet, such basement shall be rated as a first story.
20. Bed and Breakfast Establishment: A single family residence structure that meets all of the following criteria:
 - a. Has eight or fewer sleeping rooms, including rooms occupied by the inn keeper, one or more of which are available for rent to transient tenants.
 - b. Serves breakfast at no extra cost to its transient tenants.
18. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
19. Billboard: Any structure or portion thereof designated or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises.
20. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
21. Bluff: An embankment rising sharply from the ground or water's edge.
22. Boat Launch: A facility designed to accommodate the launching of shallow draft watercraft via a ramp extending into a water body. A small courtesy pier for the loading and unloading of passengers, etc. may be located at the ramp. For the purposes of this definition, parking shall be a maximum of ten spaces.

22. Boat Livery: An establishment for the renting of boats, canoes and other similar vessels to the public and may include the sale of gasoline and oil.
23. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
24. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
25. Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes.)
26. Building Height for Principal Building: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.
27. Building Height for Accessory Structure: The vertical distance measured from the lowest ground elevation to the highest point of the structure.
28. Building Line: A line formed by the face of the building.
29. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
30. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
31. Business: The occupation or means of a livelihood that occupies the time, attention and labor of persons for the purpose of profit or improvement outside the home.
32. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply service.

33. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
34. Carwash: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.
35. Cemetery: A place for the internment of the dead.
36. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
37. Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.
38. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
39. Co-Location: The location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.
40. Commercial Vehicle: A motor vehicle registered as a commercial vehicle.
41. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
42. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.
43. Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building, and forestry operations.

44. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
45. County Board: Menominee County Board of Commissioners.
46. dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear. **Amended 7.18.11**
47. Day Care Facility, Commercial: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.
48. Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
49. Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. of 116 of 1973.
50. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity. **Amended 7.18.11**
51. Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
52. Double-faced Sign: An off-premise sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.
53. Drainfield: That part of the on-site sewage disposal system that distributes the overflow of effluent from a septic tank or other sewage treatment facility in an arrangement of absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.
54. Drive-In/ Drive-Thru Restaurant: A business establishment, for the serving of food and/or beverages, with driveways and approaches so developed and

designed so as to serve patrons while in the motor vehicle, or permit patron self-service so that consumption within motor vehicles may be facilitated.

55. Dwelling, Two Family: A building designed exclusively for occupancy by two families, living independently of each other (also called “duplex”).
56. Dwelling Unit, Multi-Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
57. Dwelling Unit: A structure with one or more rooms including bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. A dwelling unit does not include recreational vehicles or tents.
58. Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one family.
59. Dwelling, Multiple-Family: A building or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.
60. Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
61. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.
62. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
63. Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
64. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or

foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

65. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
66. Farmstead: Farm buildings and the adjacent service areas of a farm, including the feedlot, and manure pit.
67. Feasibility of Co-Location: That the wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates; the site on which co-location is being considered is able to provide structural support; and the co-location is considered technically reasonable.
68. Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.
69. Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.
70. Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
71. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
72. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
73. Floor Area, Usable: The ground and non-ground floor area used, or intended to be used, for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of

computing parking for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

74. Floor Area Ratio: A ratio derived by dividing the gross floor area of a building(s) by the lot area.
75. Foster Family Group Home: A private home in which six or less children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian. (Child Care Organizations Act, P.A. 116 of 1973).
76. Fur Farm: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
77. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the noncommercial storage of motor vehicles, boats, and similar items.
78. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, yard, or residence.
79. Gasoline Service Stations: A structure used for the retail sale or supply 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 including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
80. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
81. Gravel Pit: An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.
82. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

83. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale.
84. Habitable Buildings: A structure designed and intended as a dwelling unit or a structure used as a commercial establishment for permanent retail sales and/or manufacturing operations.
85. Home Occupation: Home occupation means a use or occupation conducted within an enclosed accessory building or within a residence which is clearly incidental and secondary to residential occupancy.
86. Hotel: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities.
87. Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
 - a. The occupant of the use.
 - b. The address of the use.
 - c. The kind of business and/or the principal commodity sold on the premise.
86. Industrial Park: A tract of land that is planned, developed and operated as an integrated facility for a number of individual industrial uses.
87. Industry: Those fields of economic activity including forestry; fishing; hunting; trapping; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; and wholesale trade.
88. Intensive Agricultural Activity: The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species, equivalent to one animal unit, exceeds one animal unit per acre, and where the following conditions exist:
 - a. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of forty-five (45) days, or more, in any twelve (12) month period.
 - b. Crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

An animal unit is a unit of measurement for determining the number of domestic animals or poultry permitted in a district and calculated by multiplying the actual number of animal or poultry by their applicable animal equivalent unit(s) as shown in the table below. Generally, animal units shall not exceed 1.0 per acre of land directly devoted to the raising and keeping of the animals. For purposes of this ordinance, the following equivalent animal units shall be used:

Animal or Poultry Type	No = to 1 Animal Unit (A.U.)
Slaughter and Feed Cattle	1.00
Mature Dairy Cattle	1.00
Swine Weighing >55 lb.	0.60
Horses	1.00
Sheep or Goats	0.10
Turkeys	0.02
Chickens W/Overflow Watering	0.01
Chickens W/Liquid Manure System	0.03
Other Poultry	0.20

- 89. Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
- 90. Kenel: The permanent or temporary keeping, of more than *three dogs or other animals that are more than six months of age*. This specifically excludes dogs kept and raised for a person's personal enjoyment or hobby or recreational purposes.
- 91. Lease Unit Boundary: Boundary around property leased for the purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of the setback, the Lease Unit Boundary shall not cross road right-of-ways. **Amended 7.18.11**
- 92. Livestock Farming: The raising of domesticated animals, such as cattle, horses, sheep, for home/personal use or as a source of income.

93. Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
94. Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.
95. Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. Any combination of complete and/or portions of lots of record; or
 - d. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
96. Lot Area: The area of land within the boundary of a lot which is bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines, excluding any part beyond the ordinary high water mark.
97. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
98. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
99. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
100. Lot, Double Frontage: Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
101. Lot, Interior: Any lot other than a corner lot.
102. Lot Lines: The lines bounding a lot as defined herein:
 - a. Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line

separating said lot from that street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on streets shall be treated as front lot lines. In the case of waterfront properties, the front lot line is the ordinary high water mark (see Section 401).

- b. Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
 - c. Side Lot Line: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
102. Lot of Record: A lot on a map or a deed recorded with the County Register of Deeds, or described in a land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
103. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
104. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.
105. Lumber Yard: An establishment where dimensional lumber is sold.
106. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
107. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operations shall not be in excess of 10 horsepower. Light manufacturing operations shall be located within the principal building. Noise emanating from a light manufacturing building will be less than 90 decibels.
108. Marquee: A roof like structure of a permanent nature projecting from the wall of a building.

109. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semiprecious stones, and uranium.
110. Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.
111. Minimum Landscape Open Space: The percentage of a lot area which must be maintained in grass or other living vegetation.
112. Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
113. Mobile Home Park: A parcel or tract of land under the control of a person upon which three or more mobile (manufactured) homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.
114. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
115. Multi-Use Recreation Area: A recreation facility where two or more separate recreational uses occupy or utilize the same parcel.
116. Multi-Family Dwelling Complex: Two or more structures on the same parcel, each containing more than two dwelling units. Each dwelling unit is designed for residential occupancy by one family.
117. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. (Refer to Article IX Non-Conforming Uses and Structures)

118. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. (Refer to Article IX Non-Conforming Uses and Structures)
119. Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale.
120. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
121. Occupied: Includes the meaning of intent, design or arranged for occupancy.
122. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.
123. Off-Premise Outdoor Advertising Sign: A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard." The following shall not be considered an off-premise sign for the purposes of this ordinance:
 - a. Directional or official signs authorized by law;
 - b. Real estate signs;
 - c. On-Premise signs.
124. On-Premise Outdoor Advertising Sign: A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.
125. On-Site Sewage Disposal System: The sanitary sewage treatment and/or disposal device installed to service an individual home, business, or industrial establishment in areas not served by municipal sanitary sewers.
126. On-Site Wind Energy System: A land use for generating electric power from wind is intended to primarily serve the needs of the consumer at the site. **Amended 7.18.11**
127. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
128. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

129. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.
130. Outdoor Wood-Fired Boiler, Stove, or Furnace: A structure that:
1. Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
 2. Operates by the burning of wood or other solid fuel; and
 3. Is not located within a structure used for human or animal habitation.
- Amended 7.18.11**
131. Parking Lot: A use containing one or more parking spaces located at, above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto.
132. Parking Space: An area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access and shall be fully accessible for the storage or parking of permitted vehicles.
133. Pet: An animal kept for amusement or companionship.
134. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
135. Planning Commission: The Planning Commission of the Township of Harris. (See Article XI)
136. Poultry Farm: The place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.
137. Premises: A lot as otherwise used in this Ordinance.
138. Principal Floor Area: The total of all floor areas of a structure, excluding stairwells, elevator shafts, unfinished basements, garages, porches, decks, breezeways, unfinished attics, that could be used for human occupation.
139. Principal Structure: The main structure or building to which the premises are devoted.
140. Principal Use: The main use to which the premises are devoted.

141. Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.
142. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics but excluding communication towers and facilities).
143. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
144. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
145. Recreational and Residential Storage Facility: A structure or group of structures for the storage of customers' residential goods and wares, recreational vehicles and related equipment.
146. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.
147. Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
148. Resort: A facility for transient guests where there are a number of recreational features or activities including but not limited to such facilities as swimming pools, tennis courts, golf courses, restaurants, camping, hotel/motel accommodations, skiing, trails, horseback riding, boating.
149. Resource Professional: A person or agency having expertise in soil, forestry, or wildlife habitat and qualified to provide recommendations on plant materials suitable for use as a greenbelt.
150. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises

whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, and any fast food establishments permitting consumption on the premises.

151. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) it may process or manufacture some of the products, such as a jeweler or bakery, but such processing or manufacturing usually is incidental or subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.
152. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
153. Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind. **Amended 7.18.11**
154. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to but including circular or band saws, planers, debarkers, chippers, and kilns.
155. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
156. Seasonal Dwelling: A structure used intermittently during a calendar year as a dwelling.
157. Septic Tank: A watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for final disposal.
158. Setback: The minimum unoccupied distance between the front, side and rear lot line and the principal and accessory buildings, as required.
159. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line. The front setback is measured from the edge of the road right of way or in the case of a lot along a river or lake, from the ordinary high water mark.

160. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
161. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
162. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling. **Amended 7.18.11**
163. Shopping Center: A group of businesses providing a variety of merchandise and/or services located on the same lot.
164. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
165. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
166. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
167. Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver. **Amended 7.18.11**
168. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB). **Amended 7.18.11**
169. Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
170. Story: That part of a building 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.

171. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
172. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
173. Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or building development.
174. Temporary Building or Use: Is a structure or use permitted to exist during a period of construction of the main building or use, or for special events.
175. Thoroughfares:
Major: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.
Secondary: Is an arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.
176. Township Board: The elected governing body of the Township of Harris.
177. Tourist Cabins: An establishment that has separate, individual dwelling units with at least one room that has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or season.
178. Travel Trailer: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.
179. Use: Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.
180. Use, Accessory: Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.
181. Utility Grid Wind Energy System: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA Tower, electric substation. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.

Amended 7.18.11

182. V Type Sign: An off-premise sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.
183. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.
184. Vehicle: A self-propelled device used for transporting people and/or goods over land surfaces and is licensable as a motor vehicle by the Michigan Department of State.
185. Wind Energy System: A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also On-Site Wind Energy System and Utility Grid Wind Energy System. **Amended 7.18.11**
186. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt township regulatory authority.
187. Wireless Communication Support Structure: Structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed towers or other structure which appear to be something other than a mere support structure.
188. Wood Products Industries: Establishments engaged in sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood mills and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or related materials, except mobile homes.

189. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

190. Yards:
 - a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the main building.
 - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the main building.
 - c. Yard, Side: An open space between the side line of the lot and the nearest line of the main building and extending from the front yard to the rear yard.

191. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

192. Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Harris. (See Article XIII)

193. Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township.

ARTICLE III: ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

- A. For the purpose of this Ordinance, Harris Township is divided into the following zoning districts, which shall be known by the following respective symbols and names:

R-1	Residential One
R-2	Residential Two
RR	Rural Residential
TD	Town Development
RP	Resource Production
AP	Agriculture Production
TP	Timber Production
I	Industrial

Section 302 Zoning District Maps

- A. The boundaries of the respective districts enumerated in Section 301 are depicted on the map entitled "Harris Township Official Zoning Map," which is an integral part of this Ordinance. The map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Harris Township Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Harris Township Official Zoning Map and approved by the Township Board together with an entry on the Harris Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Harris Township Official Zoning Map is to be maintained and kept up-to-date by the Zoning Administrator, accessible to the public and shall be the final authority as to the current zoning status of properties in Harris Township.

Section 303 Interpretation of the Zoning Map

- A. Where due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon; the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:
1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular to, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.

2. Where zoning district boundary lines are indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- B. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Harris Township, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Map

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current township officers' signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

- A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XIII, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.

- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

- A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Harris Township Zoning Ordinance.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.
- B. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 309 R-1 Residential One

- A. Intent: The R-1 Residential One District is designed primarily for one-family residential use with accessory structures and other uses that normally are found within a residential setting. The uses in the district are intended to keep the neighborhoods relatively quiet and free of unrelated traffic influences. It is reasonable to require spacious lots to insure safe potable water supply and treatment of wastewater on the same lot.
- B. Permitted Principal Uses:
 - 1. Adult foster care- small group home
 - 2. Family day care home (less than 7 children)

3. Mobile home
 4. Single-family home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
 3. On-site wind energy systems under 80 feet high and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:
1. Adult foster care facility- large group home
 2. Bed and breakfast establishment
 3. Cemetery
 4. Church
 5. Commercial greenhouse/nursery
 6. Funeral home
 7. Group child care facility
 8. Outdoor wood-fired boiler, stove or furnace **Amended 7.18.11**
 9. Planned unit development
 10. Private clubs and lodge hall
 11. Public building, including library, public school: elementary, middle, and high
 12. Stabling of personal horses
 13. Utility and public service

Section 310 R-2 Residential Two District

- A. Intent: The R-2 Residential Two District is established to preserve neighborhoods for medium density residential uses, free from other uses except those which are compatible with residents in the district.
- B. Permitted Principal Uses:
1. Adult foster care- small group home
 2. Family day care home (less than 7 children)
 3. Mobile home
 4. Multi-family dwelling
 5. Single-family home
 6. Two family dwelling
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.

2. Accessory uses and structures normally associated with permitted uses.
3. On-site wind energy systems under 80 feet high and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:

1. Adult foster care facility- large group home
2. Automobile and recreational vehicle sales, service and repair
3. Bed and breakfast establishment
4. Cemetery
5. Church
6. Commercial greenhouse/nursery
7. Commercial kennel
8. Funeral home
9. Group child care facility
10. Hospital, nursing home, convalescent home, assisted living
11. Mobile home parks
12. Outdoor wood fired boiler, stove or furnace **Amended 7.18.11**
13. Private clubs and lodge hall
14. Planned unit development
15. Public buildings, including library, public school: elementary, middle and high
16. Stabling of personal horses
17. Utility and public service

Section 311 RR Rural Residential District

A. Intent: The RR Rural Residential District is established to maintain a residential environment in accessible rural areas at moderately low densities. Locations in this district are considered to be suitable for predominately rural, scattered site development.

B. Permitted Principal Uses:

1. Adult foster care- small group home
2. Cemetery
3. Commercial greenhouse/nursery
4. Family day care home (less than 7 children)
5. Farming and agriculture, except intensive agricultural activity
6. Mobile home
7. Mobile home park
8. Single-family home
9. Two family dwelling

- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, swimming pools, woodshed and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
 3. On-site wind energy systems under 80 feet high, on-site wind energy systems between 80 and 175 feet on 40 acre minimum lot size and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:
1. Adult foster care facility- large group home
 2. Airports and landing field
 3. Automobile and recreational vehicle sales, service and repair
 4. Bed and breakfast establishment
 5. Building contractor yard
 6. Church
 7. Commercial dog kennel
 8. Communication tower (wireless communication facility and attached wireless communication facility) **Amended 7.18.11**
 9. Convenience store
 10. Funeral home
 11. Gravel pit and excavating of soil, sand or similar material
 12. Group child care facility
 13. Hospital, nursing home, convalescent home, assisted living
 14. Light manufacturing, including sawmill, planing mill
 15. Mini-storage facility
 16. Multi-family dwelling
 17. On-site wind energy system over 80' high on a lot less than 40 acres in size
 18. Outdoor wood fired boiler, stove or furnace **Amended 7.18.11**
 19. Petroleum, natural gas and propane storage facility
 20. Planned unit development
 21. Public building
 22. Stabling of personal horses, riding academy, boarding of horses
 23. Sportsmen's club and hunting preserve on 40 acres or more
 24. Trucking facility
 25. Utility and public service
 26. Utility grid wind energy system **Amended 7.18.11**

Section 312 TD Town Development District

- A. Intent: The TD Town Development District is designed to provide an area for residential and compatible retail commercial uses. This district is designed for small unincorporated areas where a mix of residential and retail commercial is in accord with established patterns of use.

B. Permitted Principal Uses:

1. Adult foster care facility
2. Banks and financial institutions
3. Building and material sales and storage
4. Business office
5. Convenience store
6. Family day care- (less than 7 children)
7. Gasoline service station
8. Mechanical car washing facility
9. Medical and dental office
10. Mobile home
11. Motel, hotel and tourist cabin
12. Multi-family dwelling
13. Personal service establishment
14. Private clubs and lodge hall
15. Public building
16. Retail sales and service
17. Restaurant, tavern
18. Single-family home
19. Theater assembly hall
20. Trade or business school
21. Two family dwelling

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses and structures normally associated with permitted uses.
2. On-site wind energy systems under 80 feet high and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:

1. Adult foster care- large group home
2. Automobile and recreational vehicle sales, service and repair
3. Bed and breakfast establishment
4. Building contractor storage yard
5. Church
6. Commercial greenhouse/nursery
7. Funeral home
8. Group child care facility
9. Hospital, nursing home, convalescent home, assisted living
10. Light manufacturing, including painting, varnishing and undercoating facility,
11. Mini-storage facility
12. Planned unit development
13. Public school: elementary, middle, high, library
14. Stabling of personal horses

15. Trucking facility
16. Utility and public service
17. Wholesale and storage facility

Section 313 RP Resource Production District

- A. Intent: The RP Resource Production District is established and maintained for low intensity use, those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry and recreational uses.
- B. Permitted Principal Uses:
1. Adult foster care- small group home
 2. Bed and breakfast establishment
 3. Cemetery
 4. Commercial kennel
 5. Commercial greenhouse/nursery
 6. Family day care home (less than 7 children)
 7. Farming and agriculture, except intensive agricultural activity
 8. Food packaging operation
 9. Harvesting of timber (commercial)
 10. Mobile home
 11. Retail business
 12. Sawmill and planing mill
 13. Stabling of personal horses, riding academy, stabling of horses
 14. Single-family home
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory uses and structures normally associated with permitted uses.
 2. On-site wind energy systems under 80 feet high, on-site wind energy systems between 80 and 175 feet on 40 acre minimum lot size and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:
1. Airports and landing fields
 2. Automobile repair facility
 3. Church
 4. Communication tower (wireless communication facility and attached wireless communication facility)
 5. Gravel pit and excavating of soil, sand, clay or similar material
 6. Junkyard
 7. Light manufacturing, including painting, varnishing, and undercoating facility
 8. Mini-storage facility
 9. On-site wind energy system over 80' high on a lot less than 40 acres in size
Amended 7.18.11

10. Outdoor wood fired boiler, stove or furnace **Amended 7.18.11**
11. Planned unit development
12. Petroleum, natural gas and propane storage facility
13. Public building
14. Sportsmen club and hunting preserve on 40 acres or more
15. Tavern
16. Tourist cabins
17. Trade or business school
18. Trucking facility
19. Utility and public service
20. Utility grid wind energy system **Amended 7.18.11**

Section 314 AP Agriculture Production District Intent: The AP- Agriculture Production District is intended to maintain for agricultural purposes those lands which because of their soil characteristics and other factors, are especially well suited for agricultural uses.

A. Permitted Principal Uses:

1. Adult foster care- small group home
2. Commercial greenhouse/nursery
3. Family day care home (less than 7 children)
4. Farming and agriculture, including intensive agricultural activity
5. Food packaging operation
6. Harvesting of timber (commercial)
7. Mobile home
8. Stabling and boarding of horses, riding academy
9. Sawmill, planing mill
10. Single-family home
11. Two-family dwelling

B. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses and structures normally associated with permitted uses.
2. On-site wind energy systems under 80 feet high, on-site wind energy systems between 80 and 175 feet on 40 acre minimum lot size and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**

C. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:

1. Bed and breakfast establishment
2. Communication tower (wireless communication facility and attached wireless communication facility)
3. Gravel pit and excavating of soil, sand, clay or similar material
4. On-site wind energy system over 80' high on a lot less than 40 acres in size **Amended 7.18.11**
5. Outdoor wood fired boiler, stove or furnace **Amended 7.18.11**

6. Petroleum, natural gas and propane storage facility
7. Public building
8. Sportsmen club and hunting preserve
9. Utility and public service
10. Utility grid wind energy system **Amended 7.18.11**

Section 315 TP Timber Production District

- A. Intent: The TP- Timber Production District is intended to maintain lands for timber production and the use of wooded and rural areas of the township in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large. Municipal services, including but not limited to snow plowing, school bus pick-up, and garbage removal, may be provided on a limited basis or not at all within this district, depending upon the exact location.
- B. Permitted Principal Uses:
1. Commercial greenhouse/nursery
 2. Farming and agriculture, except intensive agricultural activity
 3. Gravel pits and excavating of soil, sand clay or similar material
 4. Harvesting of timber (commercial)
 5. Seasonal home
 6. Stabling of personal horses
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory uses and structures normally associated with permitted uses.
 2. On-site wind energy systems under 80 feet high, on-site wind energy systems between 80 and 175 feet on 40 acre minimum lot size and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:
1. Communication tower (wireless communication facility and attached wireless communication facility)
 2. On-site wind energy system over 80' high on a lot less than 40 acres in size **Amended 7.18.11**
 3. Outdoor wood fired boiler, stove or furnace **Amended 7.18.11**
 4. Sportsmen club and hunting preserve
 5. Utility grid wind energy system **Amended 7.18.11**

Section 316 I Industrial District

- A. Intent: The I- Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations, manufacturing operations and other industrial uses whose external and physical effects are such that require them to be separated from residential uses. Industrial uses may be located on individual lots or as part of an industrial park.

B. Permitted Principal Uses:

1. Automobile and recreational vehicle sales, service and repair
2. Building contractor storage yard
3. Retail sales and service
4. Business office
5. Commercial greenhouse/nursery
6. Gravel pits and excavating of soil, sand, clay or similar material
7. Junkyard
8. Manufacturing, including commercial printing, food packaging, sawmill, planing mill
9. Mini-storage facility
10. Petroleum, natural gas and propane storage facility
11. Retail sales and service
12. Trade or business school
13. Trucking facility
14. Wholesale and storage facility

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory uses and structures normally associated with permitted uses.
2. On-site wind energy systems under 80 feet high and all anemometer towers that meet the standards in Section 402 (C). **Amended 7.18.11**

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article IX:

1. Airports and landing field
2. Communication tower (wireless communication facility and attached wireless communication facility)
3. Convenience store
4. Gasoline service station
5. Mechanical car washing facility
6. Outdoor wood fired boiler, stove or furnace **Amended 7.18.11**
7. Planned unit development
8. Utility and public service

Section 317 Recreational Uses

- A. The following recreational uses are Permitted Principal Use or require a Conditional Use Permit in the districts indicated below.

RECREATIONAL LAND USES IN ZONING DISTRICTS								
P-Permitted C-Conditional								
Land Use\District	R-1	R-2	RR	TD	RP	AP	TP	I
community playgrounds	P	P	P	P				
picnic area	P	P	P	P				
multi use recreation area			P	P				
passive park (nature areas, nonmotorized trails, walkways)	C	C	P	P	P	P	P	P
fields: soccer, ice hockey, field hockey, ballfields, ice rinks	C	C	P	P	C	C		C
cross-country ski trail	C	C	C	P	P	P	P	P
horseback riding (equestrian) trail			C		P	P		
indoor recreation: handball, badminton, basketball, tennis, archery, golf, bowling alley		C		P				
golf- driving range			C	C	C	C		
golf course (9 or 18 hole)			C	C	C	C		
mini-golf course			C	C	C	C		
tracks: ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing					C			C
archery range (outdoor)			C		C	C		C
rifle and shotgun range, skeet and trap, sporting clay fields					C			C
Campgrounds			C		C	C	C	C
Zoos			C		C	C		
off-road vehicle and snowmobile trails	C	C	C	C	C	C	C	C

ARTICLE IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

A. Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width (Feet) ^A	Setback (Feet) for buildings on lot			Maximum Height of Buildings (Feet)
			Front ^{B,C}	Side	Rear	
R-1	1 acre	120	25	15	25	30
R-2	1 acre	120	25	15	25	30
RR	1 acre	120	25	15	25	30
TD	20,000 sq. feet	100	25	10	25	30
RP	20 acres	–	25	15	25	30
AP	20 acres	–	25	15	25	30
TP	20 acres	–	25	15	25	30
I	1 acre	120	25	20	25	40

Footnotes to the Table:

1. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
2. Where a parcel abuts a water body, the structure must be setback 75 feet from the ordinary high water mark.
3. The front setback is measured from the road right-of-way.

B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20-acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres; however, it will still conform to a 20-acre minimum lot size requirement.

Section 402 Accessory Buildings and Uses

A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized, except as specifically prohibited or by necessary implication in this or any other ordinance. The following special rules are applicable:

1. An accessory building, including carports, attached to the principal building shall comply in all respects with the requirements of this Ordinance applicable to principal buildings. Breezeways, as an attachment between the garage or carport and the main building shall be considered a part of the main building, but shall not be considered livable floor space.
 2. Any accessory building greater than 150 square feet shall require a zoning compliance permit.
 3. In no instance shall the square footage of the accessory building exceed the ground floor livable area of the principal structure in the R-1 district.
 4. No more than three accessory buildings shall be permitted on any lot in the R-1 and R-2 districts. For the purpose of this section, one detached residential garage shall not be included in the above limits.
 5. Accessory buildings shall not be occupied for dwelling purposes, nor used for any business, profession, trade or occupation, except for agricultural use, home occupation, or as otherwise permitted by this ordinance.
 6. An accessory building shall not be located within the minimum front yard setback
- B. On lots where no principal building is presently constructed, the maximum size of a garage or similar structure shall be 900 square feet with a maximum height of 30 feet.
- C. On-Site Wind Energy Systems under 80 Feet High, On-Site Wind Energy Systems between 80 and 175 Feet on a 40 acre minimum lot size (RR, AP, RP and TP districts only) and all Anemometer Towers: An on-site wind energy system under 80 feet high, on-site wind energy systems between 80 and 175 feet on a 40 acre minimum lot size (RR, AP, RP and TP districts only) and all anemometer towers are a permitted accessory use which shall meet the following standards:
1. All on-site wind energy systems over 80' high, all on-site wind energy systems between 80'-175' on a 40 acre minimum lot size and all anemometer towers shall require a zoning compliance permit.
 2. Designed primarily to serve the needs of a home, farm or small business.
 3. On-Site Wind Energy Systems under 80 Feet High, On-Site Wind Energy Systems between 80 and 175 Feet on a 40 acre minimum lot size (RR, AP, RP and TP districts only) and all Anemometer Towers are exempt from the height requirements of the respective zoning district.
 4. Property Setback: The distance between an on-site wind energy system and the owner's property lines shall be equal to the 1.1 times the height of the wind

energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to 1.1 times the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

5. Sound Pressure Level: On-site wind energy systems shall not exceed 45 dB(A) at the property line closest to the wind energy system. This sounds pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sounds pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
6. Construction Codes, Towers and Interconnection Standards: On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.) and local jurisdiction airport overlay zoning regulations. Off-grid systems are exempt from this requirement.
7. Safety: An on-site wind energy system shall have automatic braking, governing or a feathered system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
8. Duration of Permit: A permit to operate an anemometer tower shall be valid for thirty-six (36) months and shall be issued by the Zoning Administrator. **Amended 7.18.11**

Section 403 Accessory (Echo) Housing

- A. It is the intent of the Township of Harris to allow for accessory housing, where because of advancing age, illness, or death of a significant other or family member, assistance or companionship is needed. The individual requiring the assistance may reside in either a separate housing unit or a separate apartment within the principal dwelling unit, as authorized by this section.
- B. Accessory housing units may be permitted in all districts that allow for residential dwellings, upon the issuance of a Conditional Use Permit. One accessory housing unit is permitted on a lot; the housing unit shall have no more than two bedrooms.
- C. No alteration, conversion, construction or placement of an accessory housing unit shall take place without the issuance of a building permit and applicable health department

permit. The construction or placement of a separate structure, as an accessory housing unit, shall meet all applicable setback and height requirements for a principal building.

- D. The accessory housing unit may continue as long as the medical or other reason for allowing the accessory housing exists. Upon cessation of the medical or other condition, a mobile home placed as an accessory housing unit shall be removed from the property within six months.

Section 404 Waterfront Setback

- A. All structures on lots abutting any body of water, as defined in Part 301 Inland Lakes and Streams of the Natural Resources and Environmental Protection Act (Act 451 of 1994), including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 75 feet as measured from the ordinary high water mark.

Section 405 Right-of-Way

- A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 58 feet from the centerline of the roadway.

Section 406 Minimum Building Floor Area

- A. The minimum principal floor area, exclusive of unfinished basements, garages, porches and breezeways for residential structures, other than recreational structures, shall be 600 square feet.

Section 407 Placement of Decks

- A. Attached or unattached decks, terraces, patios and porches shall comply with required front, side and rear setbacks.

Section 408 Home Occupation

- A. Home occupations are allowed in all zoning districts subject to the following regulations:
 - 1. The use of the building for home occupation shall be clearly incidental and subordinate to its use as residential purposes. Home occupations shall be permitted to operate within the principal dwelling provided not more than 25% of the dwelling is devoted to the home occupation.
 - 2. Home occupations shall be permitted to employ no more than two persons who are not members of the household residing on the premises. Employment of three or more persons may be permitted by application for and issuance of a Conditional Use Permit.
 - 3. Off-street parking shall be provided in accordance with Section 412 Off-Street Parking Requirements.

4. Outside display of products, other than seasonal items or products, related to the home occupation may be permitted by application for and issuance of a Conditional Use Permit.
 5. The use of an accessory building for the conduct of a home occupation may be permitted by application for and issuance of a Conditional Use Permit.
 6. There shall be no sale of merchandise that is not directly related to the home occupation.
 7. The following uses may be permitted as a home occupation by application for and issuance of a Conditional Use Permit: animal boarding establishments, commercial garages, bump and paint shops, light manufacturing and commercial production.
 8. No equipment or processes shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 9. Signs for a home occupation shall comply with Section 702A (4).
- B. Home occupation in a single family residence for instruction in craft or fine arts is permitted.

Section 409 One Principal Structure or Use per Lot

- A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- B. Single-family residential use is permitted when incidental to a permitted business use. To be considered incidental, the dwelling must be occupied by the business owner, manager, or operator.

Section 410 Variance of the Size and Width of Lots of Record

- A. The minimum lot size and lot width regulations do not apply to any conforming parcel of land that is shown as a lot on a map or described in a deed, land contract, or lease agreement recorded with the County Register of Deeds, or described in a deed, land contract, or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance.

- B. No vested right shall arise to a property owner for any parcel that was created in violation of any preceding Harris Township Zoning Ordinance or Menominee County Zoning Ordinance.
- C. For the purpose of this Ordinance to reduce or eliminate nonconforming lot sizes or lot width, when a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined.

Section 411 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 412 Height Requirement Exemptions and Restrictions

- A. The following are exempt from height limit requirements up to a maximum of 100 feet:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, and cooling towers;
 - 3. Public utility structures; and,
 - 4. Agriculture related structures such as barns, silos, elevators and the like.
- B. No portion of the exempted structure may be used for human occupancy.
- C. All structures shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property.
- D. All structures exceeding 100 feet in height shall be required to obtain a Conditional Use Permit.

Section 413 Off-street Parking Requirements

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.
 - 1. Off-street parking for other than residential uses shall be either on the same lot or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
4. In the instance of dual function of off-street parking spaces where operating hours of building do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.
5. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Board of Appeals considers as being similar in type.
7. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.

B. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Number of Minimum Parking Spaces Per Unit of Measure
Residential	
One-Family	One (1) for each dwelling unit.
Two-Family	One (1) for each dwelling unit.
Multiple-Family	One and one-quarter (1 1/4) for each dwelling unit.
Rooming Houses and convalescent and assisted living facility	.4 times the maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf course	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities

Use	Number of Minimum Parking Spaces Per Unit of Measure
Child care facility	2 per dwelling unit, plus .3 per child
Fast food take-out establishment, drive-in restaurants	1 per 100 square feet of floor area
Restaurants (except drive-ins), taverns	1.2 per 100 square feet of floor area
Furniture and appliance stores	.3 per 100 square feet of floor area
Household equipment, carpet, and hardware stores, repair shops including shoe repair, contractor's showrooms	1.2 per 100 square feet of floor area
Museums and galleries	1.2 per 100 square feet of floor area
Funeral homes	1 per 50 square feet of floor area
Gasoline stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to the pumps)
Automotive service center	1 per employee plus 2 per service bay
Laundromat	.5 per washing machine
Doctor and dentist office	1 per 100 square feet of waiting room area and 1 per doctor or dentist
Banks	1 per 150 square feet of floor area
Warehouses	1 per 500 square feet of floor area
Retail stores and service establishments	1 per 150 square feet of floor area
Offices	1 per 300 square feet of floor area
Other business and industrial uses	.75 times maximum number of employees on premise at any one time

- C. Where the calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half space shall require one space.

Section 414 Off-Street Parking Space Layout, Standards, Construction and Maintenance

- A. Wherever the off-street parking requirements in Section 413 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
1. No parking lot shall be constructed unless and until a permit is issued. Application for a permit shall be submitted with two copies of the plans for the development indicating compliance with the requirements of this section for review and approval by the Zoning Administrator.

2. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the Zoning Administrator in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as required shall be established and maintained by the owner or lessee of the parking lot.
3. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out into roads or streets or prohibited.
4.

PARKING ANGLE	STALL WIDTH	AISLE WIDTH	PARKING STALL LENGTH	LENGTH TO CURB
0-15°	9 ft.	12 ft.	23 ft.	30 ft.
16-37°	10 ft.	11 ft.	19 ft.	47 ft.
38-57°	10 ft.	13 ft.	19 ft.	54 ft.
58-74°	10 ft.	18 ft.	19 ft.	61 ft.
75-90°	10 ft.	24 ft.	19 ft.	63 ft.
5. The plans shall indicate the location and number of handicapped parking spaces as established in the Uniform Federal Accessibility Standards.

Section 415 Access to a Street (Lot of Record)

Any one lot of record created without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. Under this provision, such an access route may serve no more than one lot. Additional lots, however, may be served by a single access upon application for and receipt of a Conditional Use Permit as provided for in Article IX. **Amended 7.18.11**

Section 416 Private Roads Serving More Than One Lot

- A. Intent: It is the intent of this Section to establish provisions allowing for the construction of limited residential developments served by private roads or drives rather than public roadways. Such development would be created as a result of individual lot splits and not under the control of the Subdivision Control Act. This Section is intended to allow some measure of flexibility in land parceling, yet without diminished consideration for safe and adequate access.
- B. General Requirements: In addition to those requirements set forth in Section 602, the applicant shall submit the following information to the Planning Commission for their review:
 1. Typical cross-section of the private roadway to be constructed.
 2. All existing and proposed grades and drainage patterns.
 3. The location, size and depth of any proposed drainage facilities or structures.
 4. The location of all lots and the situation of proposed buildings on said lots.
 5. At least two proposed names for the private road.

C. Restrictions:

1. Prior to the approval of the proposed private road, the applicant shall submit to the Planning Commission a set of deed restrictions in a form acceptable to the Township which shall provide for the creation of a private road easement and the creation of a homeowners association whose members shall only be those property owners to be served by said road. The association shall be responsible for the up-keep and maintenance of said private road. No more than one association shall be responsible for any one private road. Future inclusion of other or non-adjacent properties shall require modification of the Special Use Permit, deed restrictions, and homeowners association.
2. The applicant shall also submit to the Planning Commission a document, in a form sufficient for recording with the Menominee County Register of Deeds stating that in no event shall be association, the individual homeowners, the applicant or their heirs or assigns hold the Township liable for the costs of road signs, traffic control signs, maintenance, lighting or snow removal.
3. For any parcel of land fronting on a private road, an easement for the construction and maintenance of various utilities including natural gas, electric, cable, telephone, sewer water, storm sewer, or similar improvement shall be provided. No building permit shall be granted for any parcel fronting on the private road until such easement has been provided by the applicant.
4. A permit must be obtained from the Menominee County Road Commission for any construction within the right-of-way of county roads.
5. Except as provided for in this Ordinance, no building permit shall be issued until such time that all roadway, ditching and drainage improvements are installed.
6. Building permits may be issued prior to completion of the roadway, ditching and drainage improvements if:
 - a. The required sub base is installed; and
 - b. The applicant supplies a cash deposit, certified check, bond, or other financial guarantee acceptable to the Townships guaranteeing completion of the private road according to the standards provided herein. In fixing the amount of such financial guarantee, the Township shall take into account the size of the proposed private road, the current prevailing costs of completing the road upon default of the applicant, the estimated expense to compel the applicant to comply with the terms of this Ordinance by court order or such other conditions and facts as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. **Amended 7.18.11**

Section 417 Plant Materials and Spacing Requirements

- A. Whenever in this ordinance a greenbelt or planting is required, it shall be planted within eight months from the date of issuance of a certificate of occupancy or conditional use permit. The greenbelt or planting shall be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Any Zoning Compliance Permit may be revoked after 30 days written notice to the person assessed for taxes on the

affected lot to the occupant whenever the plants are not maintained as required by this Ordinance.

1. The plant materials listed below may be used or a resource professional may be employed by the applicant to determine alternative plant materials based on soil and drainage conditions.
2. Plant materials shall be spaced according to the following requirements:
 - a. Plant materials shall not be closer than four feet from the fence line or property line.
 - b. Where planting materials are planted in two or more rows, the plant materials should be staggered in rows.
 - c. Evergreen trees should be planted at 8'-10' spacing.
 - d. Narrow evergreens should be planted not more than three feet on centers.
 - e. Deciduous trees shall be planted at 10'-12' spacing.
 - f. Tree like shrubs should be planted not more than 8'-10' on centers.
 - g. Large deciduous shrubs should be planted 6'-8' on centers.
 - h. A planting scheme provided by a resource professional may be used in the alternative. The planting scheme must provide for adequate soil erosion control and adequate screening.

B. If a resource professional is not used, the following plant materials shall be used:

TREE LIKE SHRUBS:

Acer spicatum - Mountain maple
Cornus alternifolia - Alternate leaved dogwood
Sorbus americana - Mountain Ash
Sorbus decora - Mountain Ash
Prunus virginiana - Chokecherry
Prunus pensylvanica - Pincherry
Crataegus crus-galli - Cockspur torn
Crataegus chrysoarpa - Hawthorn
Coryllus cornuta - Beaked hazel
Alnus rugosa - Speckled alder
Amelanchier species - Juneberry

LARGE DECIDUOUS SHRUBS

Nemopanthus mucronata - Mountain holly
Dirca palustris - Leatherwood
Shepherdia canadensis - Buffalo berry
Cornus rugosa - round-leaved dogwood
Cornus stolonifera - Red osier
Sambucus canadensis - American elderberry
Sambucus pubeas - Red Elderberry
Viburnum cassinoides - Wild raisin

Viburnum lentago - Nannyberry
Viburnum trilobum - High-bush cranberry
Ilex verticillata - Winterberry
Rhus typhina - Staghorn sumach
Rhus glabra - Smooth sumach
Physocarpus opulifolius - Ninebark
Myrica gale - Sweet gale

EVERGREEN TREES

Thuja occidentalis - Northern white-cedar
Picea glauca - White spruce
Pinus strobus - Eastern white pine; northern white pine
Pinus resinosa - Red pine
Pinus banksiana - Jack pine
Larix laricina - Tamarack; Eastern larch

- C. It is the responsibility of the applicant to determine that the plant materials will survive in the soil and drainage conditions where planted.

Section 418 Required Planting Screens

- A. In any district where a parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any residential dwelling, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. A six foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- B. Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of six feet.
- C. Parking Lot Plantings: Where off-street parking of 50 or more vehicles is required, there shall be a landscaped area in the minimum of 18 square feet for each parking space within the perimeter of the parking area. No parking space shall be more than 120 feet from the landscaped open space. The landscaped open space shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. The trees shall be maintained in a healthy condition and pruned to maintain height to a maximum of 15 feet. The trees shall be pruned to remove dead wood. All plant materials shall be pruned so not to create a hazard to drivers or pedestrians.

Section 419 Fence Regulations

- A. The height of fences or hedges is subject to the following provisions:
1. No fence or hedge shall obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. The Road Commission shall be consulted as to whether the placement of the fence will be located in a clear vision zone area.
 2. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abuts a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural fence or plant materials not less than six feet in height.
- B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising during the construction /installation of the fence or hedge.
- C. Normally required front, side and rear setbacks need not be met. The fence may be on the property line with approval of the adjoining property owner.

Section 420 Minimum Mobile Home Requirements

- A. Mobile homes placed on private lands in the Township shall have skirting installed that meets the following standards: Skirting shall have louvered or similar vents with a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two at each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of certified fire-resistant material.
- B. No crawl space or area under a mobile home shall be used for storage purposes.
- C. Mobile homes installed on private lands shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 421 Garage Sales

- A. Garage sales at residences are allowed a maximum of six occurrences per calendar year in all zoning districts; each occurrence shall not exceed seven consecutive days. Garage sales are not considered to be a Home Occupation.

Section 422 Temporary Agricultural Products Stand

- A. An agricultural stand for the display and retail sale of farm products is permitted in the R-2, RR, AP, RP, and TP districts. Said products stands are subject to the following regulations: one stand per parcel, only operated during daylight hours, maximum total floor area is 320 square feet, off-street parking to be provided for a minimum of four

vehicles, and are located a minimum of five feet from the road right-of-way. Agricultural products stands are permitted to be operated from May 1 until January 1. The stand must be removed within seven calendar days of ceasing operations.

Section 423 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Harris Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 - 1. Facilitate adequate and efficient provisions for wireless communication facilities.
 - 2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
 - 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
 - 4. Promote the public health, safety and welfare.
 - 5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.
- C. Location Requirements. Communications towers are permitted by conditional use permit in the RR, RP, AP, TP and I Districts. **Amended 7.18.11**
- D. It is the policy of Harris Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- E. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
 - 1. A conditional use permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
 - 2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on any required setback area for the district in which it is located.

3. The site shall have legal documented access to a public road.
4. All support structures must be set back from all property lines a distance equal to its height.
5. Where an attached wireless communication facility is proposed on the roof of a building or if the equipment enclosure is proposed as a roof appliance or penthouse on the building it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all district requirements for principal buildings, including yard setbacks.
6. One accessory building shall be permitted with a maximum of 600 square feet.
7. A wireless communication facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
8. All support structures must be certified by a professional engineer licensed in Michigan that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All metal support structures shall be constructed of or treated with corrosive resistant material. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, and State of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.
9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no advertising displayed on the wireless communication facility. Identification on the facility is required for emergency purposes.
11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. A six foot high fence shall surround the base of the support structure and all wire supports.
12. The base of the support structure shall not be greater than 500 square feet.
13. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

14. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that it does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
15. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. A facility shall be considered abandoned when it has not been used for one year or more. For the purpose of this section, the removal of antennas or other equipment from the facility or cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Following complete demolition and removal of the building and structure, the premises shall be restored with six inches of topsoil and seeded and mulched. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.
16. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.
17. Conditions and safeguards as identified in Section 905 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

Section 424 Outdoor Wood-Fired Boiler, Stove, or Furnace

Outdoor wood-fired boilers, stoves, furnaces and outdoor wood burning are permitted by conditional use permit in the R-1, R-2, RR, RP, AP, TP and I Districts.

A. Conditions for approval:

1. Lots of 2.5 acres or larger;
2. A setback of 25 feet from any and all lot/property lines, easements and right-of-ways;
3. Minimum chimney height of 12 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling, within 500 feet, whichever is higher;
4. No fuel other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state may be burned and no outdoor wood burning boiler or appliance may be used as a waste incinerator;
5. Unit shall not be located in the front yard;
6. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and Harris Township, that the Zoning Administrator, at any reasonable

Amended July 18, 2011
Amended Dec. 8, 2014

time, may enter the property for purpose of inspection to determine compliance with above conditions. **Amended 7.18.11**

ARTICLE V: PLANNED UNIT DEVELOPMENT

Section 501 Intent

- A. To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

Section 502 Eligibility

- A. In order to be approved by the Harris Township Planning Commission, a proposed Planned Unit Development shall:
1. On parcels of at least two acres in size:
 - a. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 - b. Minimize the amount of impervious surfaces created.
 - c. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
 2. On parcels over 10 acres in size where the existing structures will be an integral part of the new development:
 - a. Provide for open space and the preservation of natural features.
 - b. Minimize the amount of new impervious surfaces created. The developer shall take into consideration the impact of the size and location of existing impervious surfaces when proposing new impervious surfaces.
 - c. Demonstrate the efficient use of the existing structures in relation to the overall development plan. Arrangements of proposed buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 503 Application and Modification Powers

- A. The applicant shall submit an application to the Planning Commission in accordance with the procedures in Section 504 through Section 507.
- B. In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of

the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. For developments on parcels of ten acres or less, uses not permitted in the district where the lot is located shall not be permitted to occupy more than 10 percent of the lot area nor more than 10 percent of the building floor area.

- C. The provisions of this Section shall be applied to the existing Zoning District, as defined on the zoning map, where the PUD is to be located.

Section 504 Preliminary Conference: Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be reached at this conference.

Section 505 Preliminary Application: Following the preliminary conference, the applicant shall prepare and submit 10 copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Harris Township Board:

1. A written description of the proposed PUD, including:
 - a. How the proposed PUD is consistent with the intent of the article, and with the eligibility criteria in Section 502.
 - b. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c. A legal description of the proposed PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services.
2. A preliminary site plan shall be provided on ten (10) identical copies on one or more sheets, at a scale adequate to illustrate the proposed activity, and shall include the following information.
 - a. The legal description and street address of the lot(s).
 - b. The name, address and telephone number of the owner, developer, and/or designer.
 - c. The date the site plan was prepared.
 - d. North arrow and scale
 - e. The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes

- visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.
- f. The relationship of the subject lot(s) to abutting properties.
 - g. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
 - h. The dimensions of all proposed structures on the subject lot(s), including height of proposed buildings.
 - i. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
 - j. Use of all existing or proposed structures on the subject lot(s).
 - k. The location of all proposed fences and planting screens or other buffers.
 - l. The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s). Named streets should be labeled.
 - m. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
 - n. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - o. The size and location of all existing and proposed public and private utilities.
 - p. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - q. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - r. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - s. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 4. Any other information as the Planning Commission may reasonably require to show the applicant's intent for the development and viability of the proposal.
 5. The applicant may request that the requirement of Section 506 for a final application be waived, and include all of the information required for a final application with the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Section 505, 1 through 4 above, and Section 506, 1 through 5, are included, the requirement for a final application and final public hearing may be waived. If the requirement for a final

application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.

- A. All application materials must be received in the office of the Harris Township Zoning Administrator before a public hearing notice can be submitted for publication.
- B. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 507, to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 508 and Section 904 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.
- C. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
- D. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

Section 506 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 10 copies of a final application which shall include:
 - 1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
 - 2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).
 - 3. A detailed development time schedule.
 - 4. Deed restrictions or covenants of the parcel.
 - 5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other

facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

- B. All the application materials must be received in the office of the Harris Township Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Planning Commission shall hold a public hearing, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 507 Authorization and Issuance of Conditional Use Permit

- A. Where the Planning Commission determines that the final application is consistent with this article and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Conditional Use Permit shall not obligate the Harris Township Planning Commission or the Harris Township Board to enforce any deed restrictions or covenants of the development parcel.
- B. The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Menominee County Register of Deeds.

Section 508 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
 - 1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this article as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this article.
 - 2. Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to County specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.
 - 3. Sidewalks: For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at least one side of the street or roadway, unless otherwise excluded by the Planning Commission.

4. Land Usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
5. Privacy: Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
6. Off-Street Parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 413, and 414 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
7. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
8. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
9. The PUD shall be consistent with the standards outlined in Section 904 and other relevant provisions of this Ordinance.

Section 509 Changes in Approved PUD

- A. Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing. The public hearing notice shall be published no less than 15 days prior to the public hearing, in accordance with Section 1103. **Amended 7.18.11**
- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

ARTICLE VI: OPEN SPACE PRESERVATION

Section 601: Intent

- A. It is the intent of this article to offer an open space preservation option to developers as authorized by Act 177 of 2001 for the purpose of:
1. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
 2. Allowing innovation and greater flexibility in the design of residential developments;
 3. Encouraging a less sprawling form of development, thus preserving open space.
- B. For the purpose of this article the term “open space” shall refer to a natural state preserving natural resources, natural features, or scenic or wooded conditions; agriculture use; or a similar use of condition.

Section 602: Eligibility Criteria: To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:

1. Minimum Project Size. The minimum size of an open space preservation development shall be ten (10) acres of contiguous land.
2. Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
3. Guarantee of Open Space. The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments set forth in the applicant’s proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space preservation site plan.

Section 603: Project Design Standards

- A. A proposed open space preservation project shall comply with the following project design standards:
1. The open space preservation option is applicable only in the R-1, R-2, RR, AP and RP districts.

2. The open space preservation option is restricted to residential development.
3. Unless specifically waived or modified by the Planning Commission, and excepting the minimum lot area, all Zoning Ordinance dimensional requirements for the underlying zoning district and other Township regulations shall remain in full force.
4. The developer shall maintain a minimum of fifty percent (50%) of the gross area of the site as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-ways, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.
5. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:
 - a. recorded deed restrictions in perpetuity,
 - b. covenants that run perpetually with the land, or
 - c. a conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
6. Such conveyance shall assure that the open space "will be protected from all forms of development and shall never be changed to another use." Such conveyance shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space.
 - b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 - c. Provide standards for scheduled maintenance of the open space.
 - d. Provide for maintenance to be undertaken by the Township of Harris in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
7. The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than recreation or conservation shall be strictly prohibited.
8. Accessory structures related to a recreation, or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, one percent (1%) of the total required open space area.

9. The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the Planning Commission a design of the area that is consistent with the existing Township zoning requirements. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed on the property. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.
10. To encourage flexibility and creativity consistent with the open space preservation concept, the Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification approved by the Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals.
11. Direct access onto a County road shall be required for all developments receiving approval under the open space preservation option.
12. Construction of publicly dedicated roads as a means of providing access and circulation is required, subject to county road commission approval.
13. The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

Section 604: Project Standards

- A. In considering any application for approval of an open space preservation site plan, the Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Article VIII Site Plan Review as well as the following standards and requirements:
 1. Compliance with the project design standards in section 703.
 2. The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
 3. The proposed open space preservation project shall be protective of the natural environment.
 4. Compliance with all applicable federal, state, and local regulations.

Section 605: Application and Approval Process

- A. The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a conditional use permit. The required materials and fees shall be submitted to the Township Zoning Administrator.
- B. Approval of an open space preservation proposal shall be upon issuance of a conditional use permit. All improvements and uses of the site shall conform to the approved open space preservation site plan and comply fully with any conditions imposed by the planning commission.
- C. The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is approved by the Township Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.
- D. Following final approval of the open space preservation site plan by the Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable township, county, state or federal permits.
- E. If construction has not commenced within twenty-four (24) months of final approval, all Township approvals become null and void. The applicant may make written application to the Planning Commission for an extension, not to exceed twelve (12) months. A maximum of two (2) extensions may be allowed.
- F. The Planning Commission may require that a performance guarantee, in accordance with the Section 905(D) of the Zoning Ordinance, be deposited with the Township to insure completion of improvements.

Section 606: Revision of Approved Plans

Minor changes to an approved open space preservation site plan may be permitted by the Planning Commission following normal site plan review procedures outlined in Section 705, subject to the finding of all of the following:

- 1. Such changes will not adversely affect the initial basis for granting approval;
 - 2. Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this Article; and
 - 3. Such changes shall not result in the reduction of open space area as required herein.
- B. Changes which are a substantial departure from the approved site plan or alter the character or intent of the development will require the resubmission of the proposal to the Planning Commission.

ARTICLE VII: SIGNS

Section 701 Intent

- A. It is determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 702 Regulations for Signs in Residential Areas

- A. Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:
1. Churches shall be permitted a sign structure with a face on both sides, with each side having a maximum sign area of 40 square feet. The total sign area may be divided into one or more signs.
 2. One sign, not exceeding 36 square feet and eight feet in height, shall be permitted at each vehicle entrance to a platted subdivision development or mobile home park.
 3. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 36 square feet and eight feet in height.
 4. One sign, not to exceed 20 square feet, shall be permitted to advertise a home occupation. The sign shall not be illuminated or have working parts. The sign must be attractive and compatible with a neighborhood setting and designed so not to detract from the visual appearance of the neighborhood.
 5. Signs permitted by this section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 703 On-Premises Sign Regulations

- A. Within all districts freestanding (ground) signs as an on-premises sign shall be permitted for non-residential land use as follows:
1. Free standing (ground) signs advertising an on-site business are permitted an area not to exceed six square feet for each 10 feet or fraction of frontage, or 60 square feet for each acre or fraction of acre developed on the premises,

whichever is larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.

2. The on-premises sign shall be subject to the following setback requirements:
 - a. A minimum of five feet when the right-of-way width from the centerline of the road to the property is less than 50 feet or, located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.
 - b. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade.
3. The maximum height for on-premises signs shall be 30 feet.

Section 704 Off-Premises Sign Regulations

- A. Off-premises signs, not exceeding 50 square feet, are permitted in areas zoned RR, AP, and I, and subject to the following regulations:
 1. The maximum sign area for any one face shall not exceed 50 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not be allowed.
 2. Signs may be back-to-back or V-type and shall be considered as one off-premises sign.
 3. The sign shall have a maximum height not to exceed 15 feet above road grade level.
 4. Setback requirements are:
 - a. Front: A minimum setback of 10 feet from the road right of way.
 - b. Side: A minimum setback of 10 feet from the road right of way.
- B. Billboards shall be permitted along U.S. 2 in areas zoned as Rural Residential, Commercial or Industrial and subject to the following regulations:
 1. The maximum sign area for any one face of a billboard shall not exceed 300 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.
 2. Signs may be back-to-back or V-type style and such structure shall be considered as one sign.
 3. An off-premises sign shall have a maximum height not to exceed 30 feet above road grade level. An off-premises sign shall maintain a minimum clearance of

eight feet measured from the ground level at the base of the sign to the bottom of the sign face.

4. No off-premises sign may be established within 500 feet of any other off-premises sign, measured along either side of the street or highway to which the sign is oriented. Spacing from Directional and Official Signs, On-Premises signs or any other sign which does not constitute an off-premises sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.
 5. Off-premises signs shall be located a minimum of 300 feet from the intersection of public roads.
 6. Setback requirements for off-premises signs are:
 - a. Front: A minimum setback of 10 feet from the road right of way.
 - b. Side: A minimum setback of 10 feet from the road right of way.
- C. No off-premises sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

Section 705 Agricultural Sign Regulation

- A. Where a farm or other agricultural operation is permitted within a zoning district, the total sign area shall not exceed 32 square feet to advertise agricultural goods or other items for sale at that location.
- B. Individual signs not exceeding 6 square feet are permitted to advertise seeds that are planted at a specific field.
- C. Signs permitted by this section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 706 Cluster Sign Regulations

- A. A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 60 square feet. The cluster sign must be maintained by the owner or owners of the sign.
- B. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 707 Signs for Conditional Use

- A. In granting a conditional use permit, the Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 708 Temporary Signs

- A. Signs which are intended to identify or advertise a nonprofit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed one month provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Section 709 Construction Signs

- A. One construction sign is permitted per project not exceeding 16 square feet in sign area for residential buildings and 32 square feet for non-residential buildings. Signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 710 Exempt Signs

- A. The following signs shall not exceed nine square feet and are otherwise exempt from this Ordinance:
1. Public Signs - Signs for a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
 2. Political Signs - Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
 3. Signs which announce no hunting or no trespassing.
 4. Signs which identify the name of a farm or farming operation shall not exceed a total sign area of 32 square feet
 5. Residential Identification Signs - Those signs which have an occupant's name and/or house number or emergency identification number.
 6. Signs which indicate a garage sale or directions to a garage sale.
 7. One sign, whose area shall not exceed six square feet, shall be permitted to announce the sale or rent of property.

Section 711 Lighting of Signs

- A. No strobe, blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.
- B. All outdoor illumination of signs shall be shielded, shaded, designed and/or directed away from adjacent residential districts and uses. It shall not glare upon or interfere with persons and vehicles using public streets.

Section 712 Placement of Signs

- A. No signs shall be located on any street corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises.
- B. No sign shall be located or designed to materially block or obstruct a passing motorist's view of an existing sign or business.
- C. A billboard shall be located a minimum of 1,000 feet from the lot line of a lot containing a residential dwelling.
- D. An on-premise sign shall be located a minimum of 50 feet from the lot line of a lot containing a residential dwelling.

Section 713 Maintenance of Signs

- A. Dilapidated sign structures such as those with which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. Dilapidated sign structures are those with but not limited to structural defects or supports with broken or rotten wood.
- B. The Planning Commission is authorized to have all dangerous or nuisance signs removed, the cost of which is to be borne by the sign owner and/or property owner. The owner of the sign and or property owner shall be notified and given two months to rectify the situation. The planning commission may grant a reasonable extension of time following a meeting with the property owner or sign owner.

Section 714 Nonconforming Signs

- A. It is the intent and purpose of this section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. Signs may be designated as Class A Nonconforming.

- B. No nonconforming sign:
 - 1. Shall be structurally altered so as to prolong the life of the sign, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. Shall be continued after the activity, business, or usage to which it relates has been discontinued for one year; or
 - 3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the original structure size.
- C. A conforming sign shall not be changed to a nonconforming sign.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

ARTICLE VIII: SITE PLAN REVIEW

Section 801 Intent

- A. It is the purpose of this article to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 802 Site Plan Required

- A. A site plan is required for and shall accompany the applications for:
1. Zoning Compliance Permits for:
 - a. Any proposed construction.
 - b. Any commencement of a new use.
 - c. Any proposed change in use.
 2. Conditional Use Permit
 3. Variances
 4. Class A Non-Conforming use designations
 5. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.
- B. The site plan shall be drawn on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 803 Site Plans for Single and Two-Family Dwellings and Residential Accessory Uses and Structures

- A. The site plan for single and two-family dwellings, and residential accessory uses and structures shall show the following information. Two copies shall be provided to the Zoning Administrator.
1. A legal description of the site and the property tax identification number.
 2. All lot lines and dimensions of the lot.
 3. All roads and easements.
 4. All existing and proposed buildings shall be shown and labeled.
 5. Proposed use of each building.
 6. Distances between buildings and all lot lines.
 7. Building dimensions.
 8. Natural features affecting development (rock, water, etc.).
 9. Well and septic locations.

10. A north arrow.

Section 804 Site Plans for Commercial, Industrial, Open Space Preservation Option, and Multiple Family Development

- A. Site plans meeting the following standards shall be required for the following: all commercial and industrial uses, multiple family developments, open space preservation option, and all non-residential Conditional Use Permits. Two copies of the site plan shall be provided to the Zoning Administrator.
 1. A scale adequate to illustrate the proposed activity.
 2. A legal description of the lot; the property tax identification number; the name, address and telephone number of the owner, developer and designer.
 3. Date, north arrow, and scale.
 4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
 5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the sites parcel lines.
 6. The location of all existing and proposed drives and parking areas.
 7. The location and right-of-way widths of all abutting streets, alleys, and private easements.
 8. The location of proposed planting and screening, fencing, signs and advertising features.
 9. The height and floor area of all proposed structures.
 10. The size and location of all existing and proposed public and private utilities and required landscaping.
 11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
 12. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.
 13. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

Section 805 Review Procedures

- A. Upon receipt of any site plan the Zoning Administrator shall conduct a preliminary review to determine whether the site plan is in proper form, contains all of the required information of Section 802 or 803.
- B. The Zoning Administrator is responsible for reviewing and approving the site plans for single and two-family dwellings and applications. Such review shall be accomplished within a reasonable period of time.

- C. The Planning Commission is responsible for reviewing and approving site plans for commercial, industrial, open space preservation option and multiple family developments and applications for conditional uses, Class A nonconforming uses and planned unit developments. Such review shall be accomplished within a reasonable period of time.
- D. The Zoning Board of Appeals is responsible for reviewing and approving zoning variances.
- E. The Zoning Administrator, Planning Commission and Zoning Board of Appeals shall, use the standards in Section 806 in their review of site plans. Any denial of a site plan shall be in writing and specify inadequacies or deficiencies in the site plan, and may indicate changes which would result in approval.
- F. The proposer may appeal any denial to the Zoning Board of Appeals who shall use the standards contained in Section 806 in their review.

Section 806 Standards for Site Plan Approval

- A. The proposed use shall conform to the uses permitted in that district.
- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or group of buildings shall be arranged as to permit emergency vehicle access to each building.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.

- H. All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Flashing or intermittent lights shall not be permitted.

Section 807 Site Plans for On-Site Wind Energy Systems over 80' and Utility Grid Wind Energy Systems NOTE: Site plan not required for On-Site Wind Energy Systems between 80 and 175 Feet on a 40 acre minimum lot size (RR, AP, RP and TP districts only).

In addition to the requirements for a site plan found in Sections 801, 802, 803, 804, 805 and 806 of this Ordinance, site plans and supporting documents for on-site wind energy systems over 80' high and utility grid wind energy systems shall include the following additional information:

- A. Documentation that sound pressure level, construction code, tower, interconnection (if applicable) and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
- B. Proof of the applicant's liability insurance for the project.
- C. A copy of that portion of all the applicant's lease(s) with the land owner(s) granting authority to install the anemometer tower and/or utility grid wind energy system; legal description of the property(ies), lease units; and the site plan shows the boundaries of the leases as well as the boundaries of the lease unit boundary.
- D. The phases or parts of construction, with a construction schedule.
- F. The location, height and dimensions of all existing and proposed structures and fencing.
- G. The location, grades and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
- H. All new infrastructure above ground related to the project.
- I. Two copies of the Manufacturers' Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants. **Amended 7.18.11**

Section 808 Additional Site Plan Requirements for Utility Grid Wind Energy Systems

In addition to the requirements for a conditional use permit found in Sections 801, 802, 803, 804, 805, 806 and 807 of this Ordinance, site plans and supporting documents utility grid wind energy systems shall include the following additional information:

- A. Two complete copies and sufficient executive summaries for Planning Commission members of a noise modeling and analysis report and the site plan shall show locations of equipment identified as a source of noise which is placed, based on analysis, so that the wind energy systems will not exceed the maximum permitted sound pressure levels. The noise modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the utility grid wind energy system, sound pressure level measurements shall be done by a qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the Township within 60 days of the commercial operation of the project.

- B. A visual impact simulation showing the completed site as proposed on the submitted site plan. The visual impact simulation shall be from four viewable angles.
- C. Two complete copies and sufficient executive summaries for Planning Commission members of an Environmental Analysis by a qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites and antiquities,. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- D. Two complete copies and sufficient executive summaries for Planning Commission members of an Avian and Wildlife Impact Analysis by a qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis and shall show those measures on the site plan. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- E. Two complete copies and sufficient executive summaries for Planning Commission members of a shadow flicker analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The site plan shall identify problem areas where shadow flicker may affect the occupants of the structures and show measures that shall be taken to eliminate or mitigate the problems.

Amended 7.18.11

ARTICLE IX: CONDITIONAL USE PERMITS

Section 901 Intent

- A. Certain types of land uses require a flexible and equitable procedure for properly accommodating these activities within the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. The use of conditional use permits allows the township to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

- B. In order to accomplish such a dual objective, provisions are made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as **Conditional Uses** and may be authorized by the issuance of a **Conditional Use Permit** with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

- C. The following Sections (902 through 905), together with previous references to Sections 309 through 317, designate what uses require a Conditional Use Permit. The procedures for obtaining a permit shall apply to all conditional uses indicated, unless otherwise provided for in this Ordinance.

Section 902 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit.

- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the applicant and the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

- C. An application shall consist of:
 - 1. Conditional use form signed by the applicant.
 - 2. Site plan drawn to a readable scale and containing that information specified in Article VII, Section 803 or 804.
 - 3. A statement with supporting evidence regarding the required findings specified in Section 904.

- D. A public hearing shall be scheduled with notification as required by Section 1103.

Section 903 Conditions and Approvals

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 904 and 1102.
- B. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission can approve an extension for one additional year. Unless otherwise specified by the Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- C. The Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

Section 904 General Standards

- A. The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
 - 1. Will be harmonious with and in accordance with the general policies of Harris Township or with any specific objectives of any adopted development plans;
 - 2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
 - 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 - 4. Will not diminish the value of land, buildings, or structures in the District;
 - 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the

establishment of the proposed use shall be able to provide adequately any such service;

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences;
 8. Will protect the public health, safety and general welfare of the community; and
 9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- B. The Planning Commission shall also use the following standards when considering group child care facilities:
1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.
 5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
 6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
 7. Other standards as amended by state statute.

- C. The Planning Commission shall review the particular facts and circumstances of each Excavation Permit application in terms of the following standards and shall find adequate evidence showing that the proposed use:
1. Will utilize appropriate and reasonable steps to prevent erosion, including the construction of silt traps, mulching, temporary or permanent plantings of all areas exposed by the excavation, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures;
 2. Will provide adequate site drainage so that surface runoff will not adversely affect neighboring properties;
 3. Will limit, as much as practical, the area of land exposed to erosion resulting from excavation at any one time and the length of time that any area is exposed.
- D. Upon completion of operations leave the area in a condition where further erosion will not take place and the land is at least as suitable for other uses permitted under this ordinance.
- E. The Planning Commission shall review the particular facts and circumstances of each Salvage Yard permit application in terms of the following standards and shall find adequate evidence showing that the proposed use shall conform as follows:
1. Minimum land area for a salvage yard shall be not less than ten acres with a maximum of 40 acres.
 2. The salvage yard shall not be visible from any property in the vicinity of the salvage yard.
 3. The salvage yard must be enclosed by a tight wall, not less than 8 feet in height. The wall shall be well-kept at all times. The wall shall be constructed of one of the following materials, wood, brick or metal.
 4. All gates to the premise shall be closed when the premise is not open for business.
 5. All acetylene torch cutting, burning and crushing of cars shall only take place within the confines of the wall.

Section 905 Conditions for Utility Grid Wind Energy Systems and On-Site Wind Energy Systems Over 80 Feet High NOTE: Conditional Use Permit not required for On-Site Wind Energy Systems between 80 and 175 Feet on a 40 acre minimum lot size (RR, AP, RP and TP districts only)

A utility grid wind energy system and on-site wind energy system over 80 feet high shall meet the following standards in addition to the general conditional use standards:

- A. Property Setback:
1. Utility grid and on-site wind energy systems over 80 feet setback shall be the greater distance of the following:
 - i. A distance equal to 1.1 times the height of the tower including the top of the blade in its vertical position from the road right-of-way;
 - ii. A distance equal to 1.1 times height of the tower including the top of the blade in its vertical position from the lease unit boundary.

- iii. A distance equal to 1,000' from existing dwellings on participating parcels and 1,500' from existing dwellings on non-participating parcels.
 2. An Operations and Maintenance Office building, a substation, or ancillary equipment shall comply with any property setback requirement of the respective zoning district.
- B. Sound Pressure Level: The sound pressure level shall not exceed 45 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- C. Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- D. Post-Construction Permits: Construction codes, towers and interconnection standards shall comply with all applicable state construction and electrical codes and local building permit requirements.
- E. Pre-Application Permits:
 1. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, as amended), the Michigan Tall Structures Act (Public Act 259 of 1959, as amended), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission and Federal Regulatory Commission interconnection standards.
 2. Environment:
 - i. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.
 - ii. Comply with application parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994) including but not limited to:
 - a. Part 31 Water Resources Protection.
 - b. Part 91 Soil Erosion and Sedimentation Control.
 - c. Part 301 Inland Lakes and Streams.

- d. Part 303 Wetlands.
 - e. Part 323 Shoreland Protection and Management.
 - f. Part 325 Great Lakes Submerged Lands.
 - g. Part 353 Sand Dunes Protection and Management as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.
- F. Performance Security: Performance security, pursuant to Section 523 of this Ordinance shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.
- G. The following standards apply only to utility grid wind energy systems:
1. Visual Impact: Utility grid wind energy system projects shall use tubular towers and all utility grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any part of the tower, hub or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic area and significant visual resources listed in Menominee County's Master Plan.
 2. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact Analysis.
 3. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from the shadow flicker, as identified in the Shadow Flicker Impact Analysis.
 4. Decommissioning: A Planning Commission approved decommissioning plan indicating:
 - i. The anticipated life of the project,
 - ii. The estimated decommissioning costs net of salvage value in current dollars,
 - iii. The method of ensuring that funds will be available for decommissioning and restoration
 - iv. The anticipated manner in which the project will be decommissioned and the site restored.
 5. Complaint Resolution: A Planning Commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project. Two complete copies and sufficient executive summaries for Planning Commission members of a description of the complaint resolution process developed by the applicant to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours.

6. Electromagnetic Interference: No utility grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No utility grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- H. Procedural Requirements: Prior to making any order authorizing a conditional use permit, the Planning Commission may obtain the opinion and recommendation of a third party consultant. The Planning Commission shall proceed pursuant to Section 105 of the Ordinance and the opinion and recommendation of the third party consultant shall be made part of the written record.
- I. Reimbursement of Fees and Costs: Licensee/operator/owner agrees to reimburse Harris Township's reasonable fees and costs incurred in the preparation, negotiation, administration and enforcement of this Ordinance, including, without limitation, Harris Township's attorneys' fees, engineering and/or consultant fees, township meeting and hearing fees and the costs of public notices. If requested by Harris Township, the funds shall be placed in an escrow account under the management of Harris Township. The preceding fees are payable within thirty (30) days of invoice. Unpaid invoices shall bear interest at the rate of 1% per month until paid. Harris Township may recover all actual costs of collection, including attorneys' fees. The owner/operator of the wind energy system shall file an annual report to Harris Township of all complaints received concerning any aspect of the wind energy system construction or operation. **Amended 7.18.11**

Section 906 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 904 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. The Zoning Administrator shall make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.

- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- G. The standards in Section 904 are basic to all conditional uses as identified in Sections 309 through 317 and Section 421.

Section 907 Appeals

- A. Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

Section 908 Sexually Oriented Businesses (SOB) **Amended 12.8.14**

Purpose:

It is recognized that sexually-oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal through Town

Development Zoning Districts of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

Conditions:

In order to obtain and retain a conditional use permit for operation of a regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for conditional permits:

- A. Sexually-Oriented Businesses must be in or within $\frac{1}{4}$ mile of a TD District and fronting a Michigan State Highway.
- B. A conditional-use permit must be acquired through the special-use procedures as described in Article IX of this Ordinance;
- C. In order to prevent the undesirable concentration of sexually-oriented businesses, the conditional uses as defined by this ordinance Article IX, shall not be located within 500 feet of two (2) other such conditional uses as defined by Article IX of this ordinance, nor within 1,000 feet of any residentially zoned district, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective property line;
- D. The conditional uses, as defined by this section and Article IX shall only operate between the hours of 8 pm and 2:00 am CT;
- E. There shall be a manager on the premise at all times;
- F. No one under the age of 18 shall be allowed onto the premise by the onsite manager of the conditional use;
- G. No product or service for sale or gift, or any picture or other representation thereof, which relates in any way to "specific sexual activities" or "specified anatomical areas" shall be displayed so as to be visible from the street or exterior of the building on the conditional use;
- H. Once a conditional-use permit has been issued, the conditional-use shall not be expanded in any manner without first applying for and receiving approval of the Planning Commission as provided in the Harris Township Zoning Ordinance;
- I. If a conditional-use is discontinued, the use may not be reestablished without first applying for and receiving the approval of the Planning Commission as provided in the Harris Township Zoning Ordinance.
- J. The designated parking area for the sexually-oriented business shall be lighted from dusk till dawn;
- K. A secure and well-lighted entrance, separate from that provided patrons, will be provided for all employees, regardless of their job descriptions.

ARTICLE X: NONCONFORMING USES AND STRUCTURES

Section 1001 Intent

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction. Any previous Class A Nonconforming Use and Structure designation shall remain in effect.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of land in Harris Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.
- C. This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A Nonconforming Uses and Structures have been found by the Planning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this ordinance and should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B Nonconforming Uses and Structures are not consistent with the aforementioned, and should not be encouraged to exist. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.
- D. Any use or structure created in violation of any preceding Harris Township Zoning Ordinance remains a violation, unless the use or structure is in compliance with the zoning ordinance.

Section 1002 Class A Nonconforming Uses and Structures

Class A Nonconforming Uses and Structures are those which have been designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 904 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 1003 Procedure for Obtaining Class A Designation

- A. A written application shall be filed with the Planning Commission which shall include:
 - 1. Name and address of property owner and applicant, if not same;
 - 2. A legal description of the property or lot;

3. A site plan pursuant to Section 803 or 804;
 4. An explanation describing the present nonconforming use or structure;
 5. An explanation of any proposed addition or alteration to the uses or structures.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 1103. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 904. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 1004 Provisions for Class A Nonconforming Uses and Structures

- A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. Class A Nonconforming Use or Structure may be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, with the specific approval of the Planning Commission.
 2. Class A Nonconforming Use or Structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, with the specific approval of the Planning Commission.
 3. Class A Nonconforming Use or Structure may be extended to displace a permitted (conforming) use, with the specific approval of the Planning Commission.
 4. Class A Nonconforming Use or Structure may be changed to another nonconforming use, with the specific approval of the Planning Commission. Before granting the approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
 5. Class A Nonconforming Use may be expanded to add another nonconforming use, with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 904.
 6. A Class A Nonconforming Use is permitted to be reconstructed as a result of damage by fire or other casualty, without the approval of the Planning Commission. Any expansion of the original area would need the specific approval of the Planning Commission.
 7. Structural alterations to the interior of the building are permitted without the approval of the Planning Commission.
 8. A Class A Nonconforming Use and Structure may be permitted to be resumed if it has been discontinued for an extended period of time with the specific approval

of the Planning Commission. For the purposes of this section, an extended period of time is no more than 24 months.

9. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 1005 Revocation of Class A Nonconforming Uses and Structures

- A. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served in person or may be mailed by certified mail, addressed to the owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- B. All violations of Class A Nonconforming Uses and Structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 1103 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 1006 Class B Nonconforming Uses and Structures

- A. All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least six months or if it has been changed to a conforming use for a one month period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.
- B. In the situation where two or more dwellings are located on one lot, if one dwelling is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost, such structure shall not be repaired or replaced. The damaged structure shall be removed.
- C. In the situation that two or more dwellings are located on one lot and one dwelling is removed, it shall not be replaced.
- D. No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of

becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

ARTICLE XI: ADMINISTRATION AND ENFORCEMENT

Section 1101 Administration

- A. The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate responsibility to appropriate township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator.

Section 1102 Administrative Standards

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and/or the Planning Commission shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.

Section 1103 Administrative Procedures for Public Notifications

- A. All administrative decisions of the Planning Commission and Zoning Board of Appeals which require a public hearing must have the notice published in a newspaper of general circulation within the township.
1. Publication of notices shall be in accordance with the following:

Decision	Required Notice
Class A Non-Conforming Use	Notice published not less than 15 days prior to the public hearing
Hearing before the Zoning Board of Appeals	Notice published not less than 15 days prior to the public hearing
Conditional Use Permit	Notice published not less than 15 days prior to the public hearing
Ordinance Amendment (text or map)	Notice published not less than 15 days prior to the public hearing.
Changes to an Approved Planned Unit Development	Notice published not less than 15 days prior to the public hearing

Amended 7.18.11

- B. Notification for Conditional Use Permits and Zoning Map rezoning shall be given by mail or personal service to all property owners to whom real property is assessed and to all occupants of structures within 300 feet of the boundary of the property in question. The current year’s assessment role shall be used as prima facie evidence of record of ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, business or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given no less than 15 days before the hearing. **Amended 7.18.11**
- C. Notification for Amendments shall be given to utilities registered to receive the notice and to railroads within the zone affected.
- D. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received where and when the zoning ordinance and proposals may be examined and information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
1. If the request involves 10 or fewer adjacent properties, the notice must include a list of all existing street addresses within the properties. **Amended 7.18.11**
- E. Personal and Mailed Notice: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
1. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 2. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet

of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Harris Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.
4. Other governmental units within one mile of the property involved in the application. **Amended 7.18.11**

Section 1104 Standards for Hearings and Zoning Administration

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- B. The body conducting the hearing:
 1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
 4. Shall comply with all other requirements under the law; and
 5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1105 Zoning Administrator

- A. The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed or elected officer of the Township. The Zoning Administrator shall not be a member of the Planning Commission or Zoning Board of Appeals.

Section 1106 Duties of Zoning Administrator

- A. The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other officer or body.
- B. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- C. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his/her duties in the enforcement of this Ordinance.
- D. The Zoning Administrator shall issue Zoning Compliance Permits and review Site Plans.
- E. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to correct or prevent violation of the provisions of this Ordinance.
- F. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The notification shall be directed to each property owner of or a party in interest whose name the property appears on the current year's tax assessment records. All notices shall be in writing and may either be served in person or mailed by certified mail, addressed to such owner or party of interest at the address shown in the tax records. An affidavit of mailing shall be maintained. If the violations are not corrected within a reasonable specified period of time, he/she shall take action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Section 1107 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part which has been created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator. The Permit shall state that the building, structure, lot, and use conform to the requirements of this Ordinance.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and this record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 1108 Special Zoning Orders Book and Map

- A. The Zoning Administrator shall keep a Special Zoning Orders Book, which shall contain all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 1109 Fees

- A. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted at the Township Hall. No permit shall be issued unless such fees have been paid in full.

ARTICLE XII: TOWNSHIP PLANNING COMMISSION: ZONING AUTHORITY

Section 1201 Designation

- A. The Harris Township Planning Commission is hereby designated the Commission as specified in, the Zoning Act, as amended. Under said Act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Commission prescribed in Section 4, of Act 184 of the Public Acts of 1943, as amended. **Amended 7.18.11**

Section 1202 Changes and Amendments

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission or by an individual.

Section 1203 Required Amendment Information

- A. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
1. A legal description of the property;
 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 3. The name and address of the petitioner;
 4. The petitioner's interest in the property;
 5. Date of filing with the Zoning Administrator;
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information;
 7. Signature of the property owner, if not the applicant, agreeing to and aware of the rezoning request, and,
 8. The desired change and reasons for such change.

Section 1204 Amendment Procedure

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1103 of this Ordinance.
- B. Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance and any applicable maps to the Menominee County Planning Commission for their statutory 30 day review.

- C. Following receipt of comments from the County Planning Commission, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- D. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given no less than 15 days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance text or map change for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board. **Amended 7.18.11**
- E. No petition for text or map amendment change, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
- F. Notice of adoption of the text or map amendment change shall be published in accordance with the Zoning Act. **Amended 7.18.11**

Section 1205 Review of Amendment by Planning Commission

- A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the Public Hearing.
- B. The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:
 - 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 - 2. Whether the requested zoning change is consistent with local plans and policies;
 - 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;

4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

ARTICLE XIII: ZONING BOARD OF APPEALS

Section 1301 Creation and Membership

- A. The Zoning Board of Appeals is established in accordance with the Zoning Act, as amended. The Board shall consist of three regular members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Planning Commission shall not exceed the term of office on the Planning Commission; the term of office for a member of the Township Board shall not exceed the term of office on the Township Board. **Amended 7.18.11**
- B. The Township Board may appoint two alternate members to the Zoning Board of Appeals for the same term as regular members of the Zoning Board of Appeals. The alternate may be called to serve if a regular member is absent or unable to attend. An alternate member will also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 1302 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairperson. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing in accordance with the provisions of Section 1103.

Section 1303 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Zoning Act, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. **Amended 7.18.11**

- B. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically provided for in this ordinance and as provided for in the Zoning Act, as amended. **Amended 7.18.11**

- C. The Zoning Board of Appeals shall have the power to:
 - 1. Hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator;
 - 2. Vary or modify any of the rules or provisions of this Ordinance;
 - 3. Interpret, upon request, the provisions of the this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - 4. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 - 5. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 412 or by an analysis of the specific needs;
 - 6. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.

- D. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance.

Section 1304 Variances

- A. If there are practical difficulties due to the literal enforcement of the provisions of this Ordinance, the Board of Appeals may in specific cases grant a variance from the provisions of this Ordinance that will not be contrary to the public interest. **Amended 7.18.11**

- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.

- C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.

- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 1102C of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- H. The Zoning Board of Appeals may reverse, affirm or modify an order, requirement, decision or determination based on an appeal made by a public official. All actions taken by the Zoning Board of Appeals must be in conformance with the Ordinance.

Section 1305 Appeals

- A. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of 30 days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all papers constituting the record upon which the action appealed was based.
- B. A deposit fee shall be paid to the Township at the time of filing the notice of appeal. The deposit and the appeal fee shall be established by the Township Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his/her opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1306 Duties on Matters of Appeal

- A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Menominee County, as provided by law.

ARTICLE XIV: INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE

Section 1401 Interpretation and Conflict

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1402 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1403 Vested Right

- A. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1404 Violations; Penalties and Nuisances

- A. The failure to comply with provisions of this ordinance shall constitute a violation of this ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with

variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity that admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine of not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.

- C. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- D. In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

Section 1405 Repealing Clause

- A. The Harris Township Zoning Ordinance adopted March 1, 1979, and subsequent amendments, are hereby repealed.

Section 1406 Effective Dates

- A. This Ordinance shall become effective seven days following publication of the notice of adoption in a newspaper of general circulation in the Township. **Amended 7.18.11**

RESOLUTION

Therefore, be it ordained that the Township Board of Harris Township adopts the Zoning Ordinance for Harris Township, Michigan at a meeting thereof, duly called and held on the 18th of July, 2011.

Approved by the Township Board of Harris Township, Michigan, on the 18th of July, 2011.

Roll Call Vote:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Peter Kleiman			
Robert Hanchek			
Doreen Bower			
Alex Jorasz, Jr.			
Leslie Kleiman			

Robert Hanchek, Clerk
Harris Township, Menominee County

Date

I hereby certify that this is a true copy of the Zoning Ordinance of Harris Township, as adopted by the Township Board of Harris Township on the 18th day of July, 2011.

Robert Hanchek, Clerk
Harris Township, Menominee County

Date