

**INTRODUCTION  
CHARTER TOWNSHIP OF HARRISON  
MACOMB COUNTY, MICHIGAN  
ZONING ORDINANCE NO. 308.2**

**AN ORDINANCE amending the Charter Township of Harrison Zoning Ordinance Article XIV Zoning Districts to create the V-1A Village District: Downtown Waterfront, and amend corresponding sections of the Zoning Ordinance as it relates to V-1A Village District, for Repealer, Severability, Penalties and Effective Date.**

**IT IS HEREBY ORDAINED BY THE CHARTER TOWNSHIP OF HARRISON:**

Section 1. Article VIX, Section 14.01 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

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

Regardless of the existence of purported copies of the zoning map which may from time-to-time be made or published, the zoning map, which shall be located in the office of the township clerk, shall be the final authority as to the current status of zoning in Harrison Township.

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

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

**The V-1-A Zoning District as set forth in the V-1-A Zoning District Map is hereby incorporated as an amendment to the Charter Township of Harrison Official Zoning Map Zoning adopted on**

Section 2. Article VIX, Section 14.21 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby created to read as follows:

**Article XIV ZONING DISTRICTS**

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**Section 14.21 V-1A VILLAGE DISTRICT: DOWNTOWN WATERFRONT**

|          |               |
|----------|---------------|
| <b>A</b> | <b>Intent</b> |
|----------|---------------|

The major function of the V-1A Village District: Downtown Waterfront is to support a mixed-use, pedestrian-oriented, integrated waterfront district with a unified nautical theme. It is the intent of the Village District: Downtown Waterfront to permit a mixture of mutually supporting convenience, specialty, service and marine-related commercial uses, as well as complementary office, entertainment and residential uses, which complement nearby residential neighborhoods and provide for the needs of Township residents and visitors. The standards contained herein are designed to promote compact infill development which creates a continuous office and retail frontage, convenient and unobstructed pedestrian access and shopping experience, and compatible building appearance and architectural style and character. Uses permitted in this district should complement each other, not adversely impacting vehicular or pedestrian circulation or the overall character and function of the district. Parking must be an integral part of development and coordinated with the Village District: Downtown Waterfront as a whole.

| <b>B Permitted Uses</b>            |   |
|------------------------------------|---|
| <u>Residential Uses:</u>           |   |
| 1                                  | Residential Uses located on the second floor or higher of a building occupied on the first floor by a non-residential use |
| <u>Commercial and Office Uses:</u> |   |
| 2                                  | Art Gallery, Dealer or Supply Shops   |
| 3                                  | Banks, credit unions and financial service offices (excluding drive-thru)   |
| 4                                  | Bowling Alley & Similar Commercial Recreation (Indoors only)  |
| 5                                  | Carry Out Restaurants   |
| 6                                  | Catering Businesses   |
| 7                                  | Dance Halls or Studios  |
| 8                                  | Drug Stores, Pharmacies, Health and Personal Care Stores  |
| 9                                  | Dry Cleaners (Drop off only)  |
| 10                                 | Eating and Drinking Establishments  |
| 11                                 | Food and Beverage Stores  |
| 12                                 | General Retail Sales (Indoors only)   |
| 13                                 | Hardware, Home Appliance and Consumer Electronic Stores   |
| 14                                 | Home Accessory and/or Supply Stores   |
| 15                                 | Laundromats   |
| 16                                 | Personal Care Services  |
| 17                                 | Physical Fitness Facilities   |
| 18                                 | Precious Metal Buy/Sell   |
| 19                                 | Professional, Medical and Dental Offices  |
| 20                                 | Theaters (Indoors only)   |

| <u>Other Uses:</u> |   |
|--------------------|---|
| 21                 | Museums   |
| 22                 | Outdoor Cafes, subject to Planning Commission review and the requirements of Section 17.30) |
| 23                 | Places of Worship   |
| 24                 | Private/Public Beaches  |
| 25                 | Public Parks  |
| 26                 | Township Facilities   |
| 27                 | Accessory structures and uses customarily incidental to the above permitted uses            |

| <b>C Special Land Use Approval</b> |   |
|------------------------------------|---|
| <u>Residential Uses:</u>           |   |
| 1                                  | Single-Family Dwellings   |
| 2                                  | Two-Family Dwellings  |
| 3                                  | Multiple Family development subject to RM-2 District requirements         |
| 4                                  | Senior and Elderly Housing (Section 17.27)                                |
| 5                                  | Nursing/Convalescent Home (Section 17.18)                                 |
| <u>Commercial and Office Uses:</u> |   |
| 6                                  | Banks, credit unions and financial service offices (including drive-thru) |
| 7                                  | Colleges and Universities (Section 17.16)                                 |
| 8                                  | Funeral Homes (Section 17.21)   |
| 9                                  | Private and Trade Schools (Section 17.35)                                 |
| <u>Other Uses:</u>                 |   |
| 10                                 | Child Care Centers (Section 17.15)  |

|    |   |
|----|---|
| 11 | Permitted and Special Land Uses of the WF District not otherwise listed as a permitted use in this V-1A District. |
| 12 | Public Utility Structures   |
| 13 | Zero Lot Line Development (Section 17.43)   |
| 14 | Public or private off-street parking areas as a principal use   |

|    |   |
|----|---|
| 15 | Accessory structures and uses customarily incidental to the above special land uses |
|----|---|

**D. Lot and Setback Requirements**

1. **Minimum Lot Area:** 10,000 square feet
2. **Minimum Lot Width:** 60 feet
3. **Maximum Required Front Setback (Build-To-Line):** Front and street-side setbacks shall be measured from the centerline of each street, as noted below. The setbacks required are maximum permitted setbacks (build-to-line).

| <u>Street</u>     | <u>Build-to-Line</u>        |
|-------------------|-----------------------------|
| Jefferson Avenue  | Between 53 feet and 63 feet |
| Crocker Boulevard | Between 60 feet and 70 feet |
| Local Streets     | 40 feet                     |
4. **Minimum Required Side Setback:** 5 foot sideyard or zero lot line after special land use approval
5. **Minimum Required Rear Setback:** 20 feet

**E. Building Height**

1. **Maximum Building Height:** The maximum building height permitted shall be three (3) stories or thirty-six (36) feet. Up to one additional story, not to exceed four (4) stories, may be permitted after approval as a special land use. Further, such additional story must be stepped back from the front building line by a minimum of ten (10) feet.
2. **Minimum Building Height:** The minimum building height of any building constructed along the required front yard build-to-line shall be twenty (20) feet.
3. **Building Height Exceptions:** The height requirements may be exceeded by parapet walls not over four (4) feet in height, or as needed to conceal mechanical equipment, roof structures (attic stories), chimneys, television and radio antennas, cupolas, spires

or other ornamental projections. Additional non-habitable height may be approved for ornamental projections that reflect the nautical character of the Downtown Waterfront Village District, such as those that house clocks, nautical features, historic symbols, and other similar elements.

**F. Building Placement**

1. At least forty percent (40%) of the width of the front/street-side build-to-line shall be occupied by the front/street-side building façade which shall have a height of at least the minimum required building height.
2. Extending from any block corner, at least the first thirty (30) feet of each front/street-side build-to-line shall generally be occupied by the front/street-side building façade, which shall have a height of at least the minimum required building height. Exceptions to this may be allowed to accommodate unique architectural design, outdoor activity areas, courtyards or similar spaces.

**G. Building Usage:** The following use types may be permitted on each floor:

1<sup>st</sup> Floor: Commercial/Office/Lodging.

2<sup>nd</sup> Floor: Office/Residential/Lodging

3<sup>rd</sup> Floor: Office/Residential/Lodging

4<sup>th</sup> Floor: Residential/Lodging

Rooftop: Outdoor dining accessory to on-site eating and drinking establishments

Exceptions: Certain ground level residential use may be allowed in the V-1A District as a Special Land Use in accordance with Section 14.21,(C). Other exceptions to the building usage requirements above, such as the inclusion of commercial uses on the upper floors, may be granted by the Planning Commission after Special Land Use approval.

**H. Architectural Design and Building Materials.** The architectural design of buildings within the V-1A Village District: Downtown Waterfront shall be subject to the design and material requirements of Article 4, as well as the following requirements. Wherever, a conflict exists, the requirements of this section shall prevail.

1. **Architecture:** Buildings are encouraged to be designed with a nautical themed architecture. Any roof mounted fixtures shall be properly screened from view by the use of parapets. Long blank walls shall be avoided. Breaks in the facade shall be accomplished with “building steps”, the use of windows and doors, and other architectural elements.

2. **Windows/Transparency:** The length of walls/facades facing streets and internal streets or pedestrian areas shall consist of windows for a minimum of 50% of that facade area. The use of tinted or reflective glass within first floor windows is prohibited. First floor windows shall only be clear glass.
  
3. **Commercial and Office Building Materials:** Seventy-five percent (75%) of each building elevation shall consist of one or a combination of the following primary façade treatment materials: brick, stone, cement fiber board siding, or similar decorative material as approved by the Planning Commission. Secondary and accent treatments may be permitted in accordance with the table provided. The use of EIFS or other similar materials shall be limited to architectural accents and shall not be utilized less than eight (8) feet above grade.
  
4. **Multiple Family Building Materials:** Seventy-five percent (75%) of each building elevation shall consist of one or a combination of the following primary façade treatment materials: brick, stone, cement fiber board siding, or similar decorative material as approved by the Planning Commission. Secondary and accent treatments may be permitted in accordance with the table provided.

| Use               | Brick, Stone or Cement Fiber Board Siding | Wood                             | CMU                                   | EIFS                                  |
|-------------------|---|----------------------------------|---------------------------------------|---------------------------------------|
| Commercial/Office | 75% Minimum                               | Permitted as Secondary Treatment | Permitted as Accent Not to Exceed 10% | Permitted as Accent Not to Exceed 10% |
| Multiple Family   | 75% Minimum                               | Permitted as Secondary Treatment | Permitted as Accent Not to Exceed 10% | Not Permitted                         |

**I. Outdoor Storage and Merchandising.**

1. **Outdoor Merchandising:** Outdoor merchandising accessory to a principal use permitted in the V-1A District may be allowed subject to the requirements of Section 11.08,(A).

- J. Parking.** The provisions and requirements as set forth in Article 9 shall apply to all areas within the V-1A District except as modified by this section. The Township recognizes that special provisions should be considered for the downtown waterfront area, including the reduction of required parking spaces, because of the district’s many unique characteristics such as zero lot line, mixed-use, pedestrian oriented, traditional downtown development.

1. **Minimum Number of Off-Street Parking Spaces:** For non-residential uses located in the V-1A District, a reduction of twenty-five percent (25%) shall be applied against the amount of required parking as determined in Section 9.03. Such reduction shall not apply to residential uses in the V-1A District.
2. **Payment in Lieu of Providing Off-Street Parking:** The owner or owners of a new or expanded use may make application to the Township for the option of paying a dollar amount established by resolution of the Township Board per required parking space in lieu of providing such required spaces per the requirements set forth in Subsection 1, above. These monies would be paid into a special parking district fund established by the Township Board specifically for the purpose of providing and improving on-street or off-street parking areas to serve uses located within the V-1A District. The timing of parking spaces provided and their location shall be at the sole discretion of the Township Board. The amount paid into the parking fund described above shall not apply against any present or future special assessments levied by the Township for parking improvements.
  - a. Exception Criterion. The exception authorized by this Section 14.21,(J),(2) may only be granted by the Township Board. Granting of such exception shall be based upon evidence presented by the property owner or owners showing that the reasonable ability to provide any or all of the parking spaces as required in Subsection 1 above does not exist.
  - b. Maximum Exception. In no case shall the exception authorized by this section result in a payment being made for more than twenty-five percent (25%) of the total parking spaces as required in Subsection 1, above.
  - c. Payment Required Prior to Occupancy. A property owner or owners granted the exception of contributing to the parking fund will not receive an occupancy permit until such monies have been paid into such fund in full.
  - d. Application to Change in Use. The provisions of this Section 14.21,(J),(2) shall also apply to any change in use of property located within the V-1A District that would require parking spaces in excess of those required by the previous use.
3. **Pervious Surfacing:** In lieu of asphaltic or concrete surfacing as required by Section 9.05,(C), off-street parking spaces and parking drive aisles within the V-1A District may be constructed of pervious materials, including pervious pavement or pervious pavers, but not including rock or gravel. The use of pervious materials shall be subject to review and approval by the Township Planning Commission and the Township Engineer, in consideration of the underlying soil permeability, level of ground water, lot slope, and maintenance needs of the project (e.g. sweeping and washing).

4. **Off-Street Loading:** The planning commission shall have the right to modify or waive the requirement for off-street loading areas as specified in Section 9.07. Any such modification or waiver shall be based upon a review of a site plan and/or the surrounding area and a determination that there is satisfactory loading space serving the building or that the provision of such loading space is physically and/or functionally impractical to provide.

**K. Stormwater Management.** All developments and earth changes within the V-1A District subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on or near the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site. Stormwater management shall comply with the following standards:

1. The design of storm sewers, detention facilities, and other stormwater management facilities shall comply with Township Design Standards.
2. Stormwater management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to stormwater runoff and soil erosion from the proposed development.
3. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent property owners.
4. The use of drywells, infiltration trenches, swales, bio-retention or other best management practices for controlling urban runoff quality is strongly encouraged so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants. Such methods shall be designed in accordance with professionally accepted principles and shall be subject to review by the Township Engineer. Such stormwater control methods shall include, but are not necessarily limited to:
  - a. Swales, both bio filtration and vegetated/rock swales.
  - b. Rain gardens.
  - c. Rain barrels or cisterns, both underground and above ground. Above ground rain barrel or cistern systems in excess of 250 gallons must conform to the setbacks for accessory buildings and structures and shall be fully enclosed to avoid attracting mosquitos or becoming a hazard.
  - d. Vegetated roof systems.

Single-family and two-family dwellings are exempt from having to receive permitting and engineering approval for placement of rain gardens, bio-swales, rain barrels or

other stormwater management practices, but all stormwater structures must meet applicable setbacks and other general standards.

- Maintenance of stormwater management facilities shall be the responsibility of the property owner.

**V-1A VILLAGE DISTRICT: DOWNTOWN WATERFRONT  
ZONING REQUIREMENTS SUMMARY**

*For summary purposes only. Refer to text for complete requirements.*

|   |  |
|---|--|
| <b>Lot Requirements</b> Section 14.21,(D)   |  |
| Minimum Lot Area                            | 10,000 square feet   |
| Minimum Lot Width                           | 60 feet  |
| <b>Required Setbacks</b> Section 14.21,(D)  |  |
| Maximum Front Setback<br>(Build-To-Line)    | Jefferson Avenue: Between 53 and 63 feet<br>Crocker Boulevard: Between 60 feet and 70 feet<br>Local Streets: 40 feet   |
| Minimum Side Setback                        | 5 feet. Zero lot line may be permitted upon approval as a Special Land Use.  |
| Minimum Rear Setback                        | 20 feet  |
| <b>Building Height</b> Section 14.21,(E)    |  |
| Maximum Height                              | 3 stories or 36 feet. Up to one additional story, not to exceed four (4) stories, may be permitted after approval as a Special Land Use, provided that the additional story is used for residential or lodging purposes. Further, such additional story must be stepped back from the front building line by a minimum of ten (10) feet.   |
| Minimum Height                              | The minimum building height of any building constructed along the required front yard build-to-line shall be twenty (20) feet.   |
| <b>Building Placement</b> Section 14.21,(F) |  |
| Front/Street-Side Building Facade           | At least forty percent (40%) of the width of the front/street-side build-to-line shall be occupied by the front/street-side building façade which shall have a height of at least the minimum required building height.  |
| Block Corners                               | Extending from any block corner, at least the first thirty (30) feet of each front/street-side build-to-line shall generally be occupied by the front/street-side building façade, which shall have a height of at least the minimum required building height. Exceptions to this may be allowed to accommodate unique architectural design, outdoor activity areas, courtyards or similar spaces. |
| <b>Building Useage</b> Section 14.21,(G)    |  |

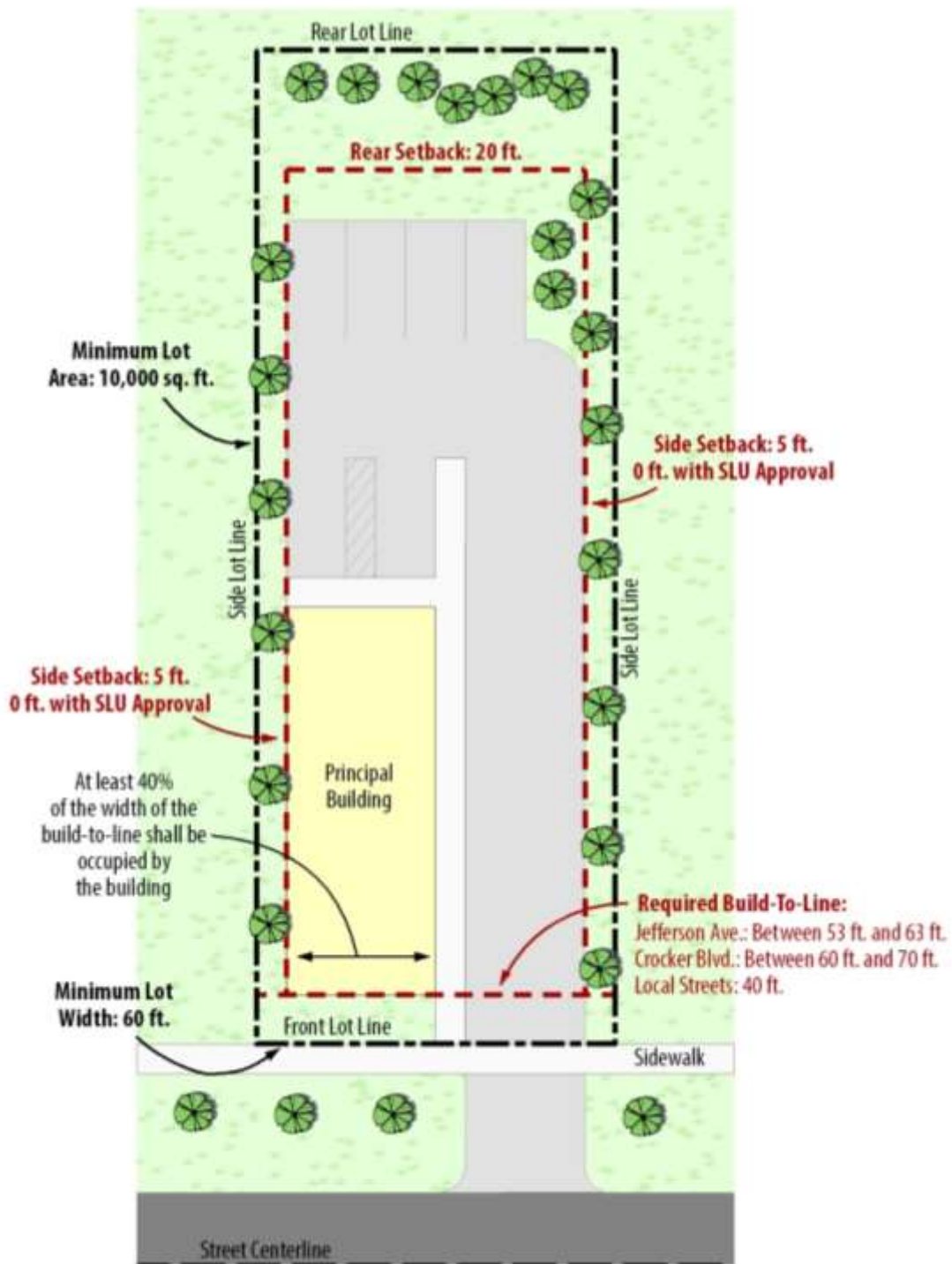


|   |  |
|---|--|
| Allowable Uses by Floor                     | 1 <sup>st</sup> Floor: Commercial/Office/Lodging<br>2 <sup>nd</sup> Floor: Office/Residential/Lodging<br>3 <sup>rd</sup> Floor: Office/Residential/Lodging<br>4 <sup>th</sup> Floor: Residential/Lodging |
| <b>Other Site Development Requirements:</b> |  |
| Architectural Design & Building Materials   | See Article 4 and Section 14.21,(H)  |
| Accessory Structures & Uses                 | See Article 5  |
| Fencing & Screening                         | See Article 6 and Section 6.05   |
| Landscaping                                 | See Article 7  |
| Site Lighting                               | See Article 8  |
| Parking                                     | See Article 9 and Section 14.21,(J)  |
| Stormwater Management                       | See Section 14.21,(K)  |
| Trash Receptacle Standards                  | See Section 11.15  |

**V-1A VILLAGE DISTRICT: DOWNTOWN WATERFRONT  
ZONING REQUIREMENTS SUMMARY (cont.)**

*For illustrative purposes only. Refer to text for complete requirements.*

***Lot, Setback and Building Placement Requirements:  
Interior Lot***

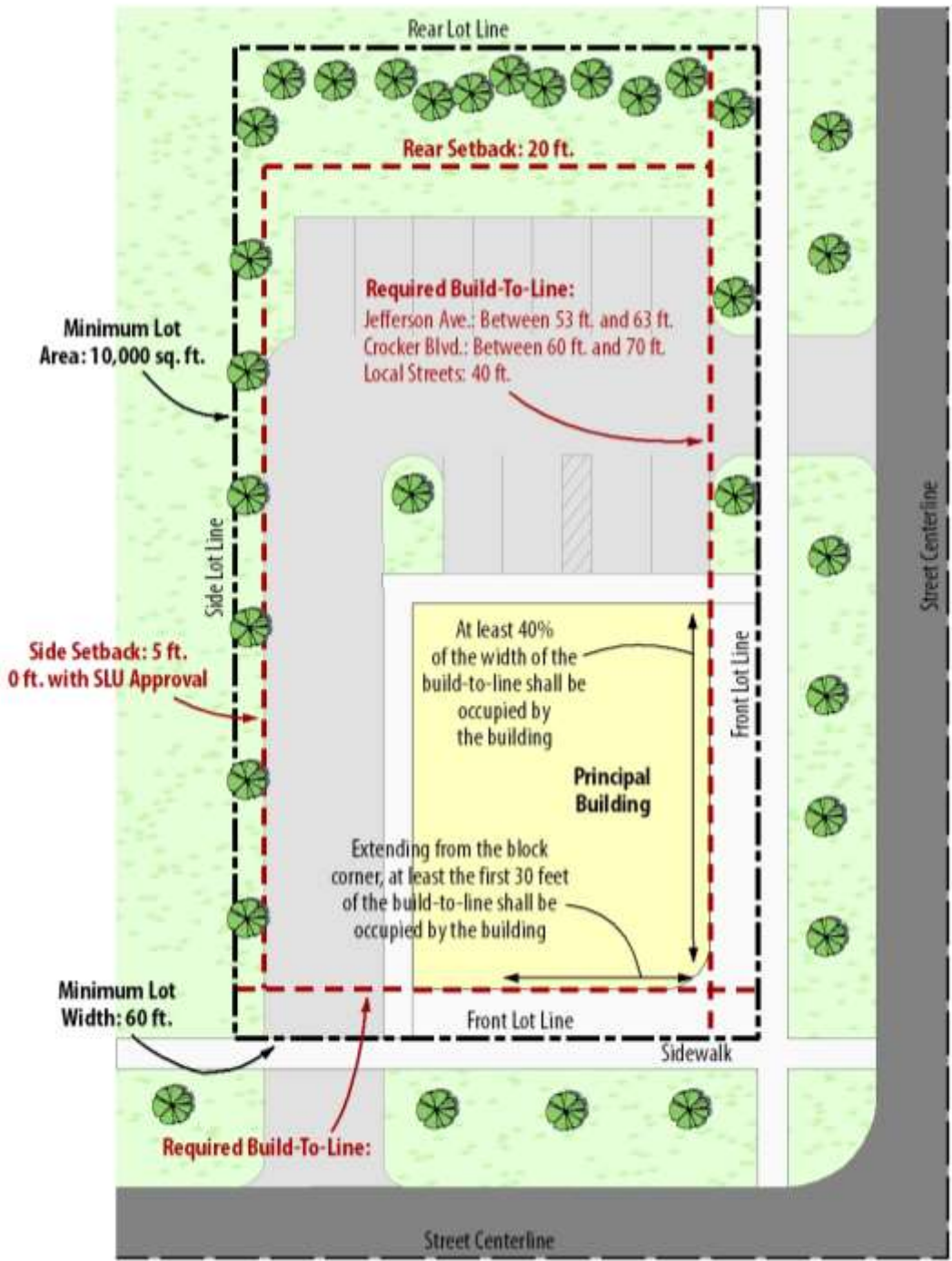


**V-1A VILLAGE DISTRICT: DOWNTOWN WATERFRONT ZONING REQUIREMENTS SUMMARY (cont.)**

*For illustrative purposes only. Refer to text for complete requirements.*

***Lot, Setback and Building Placement Requirements:***

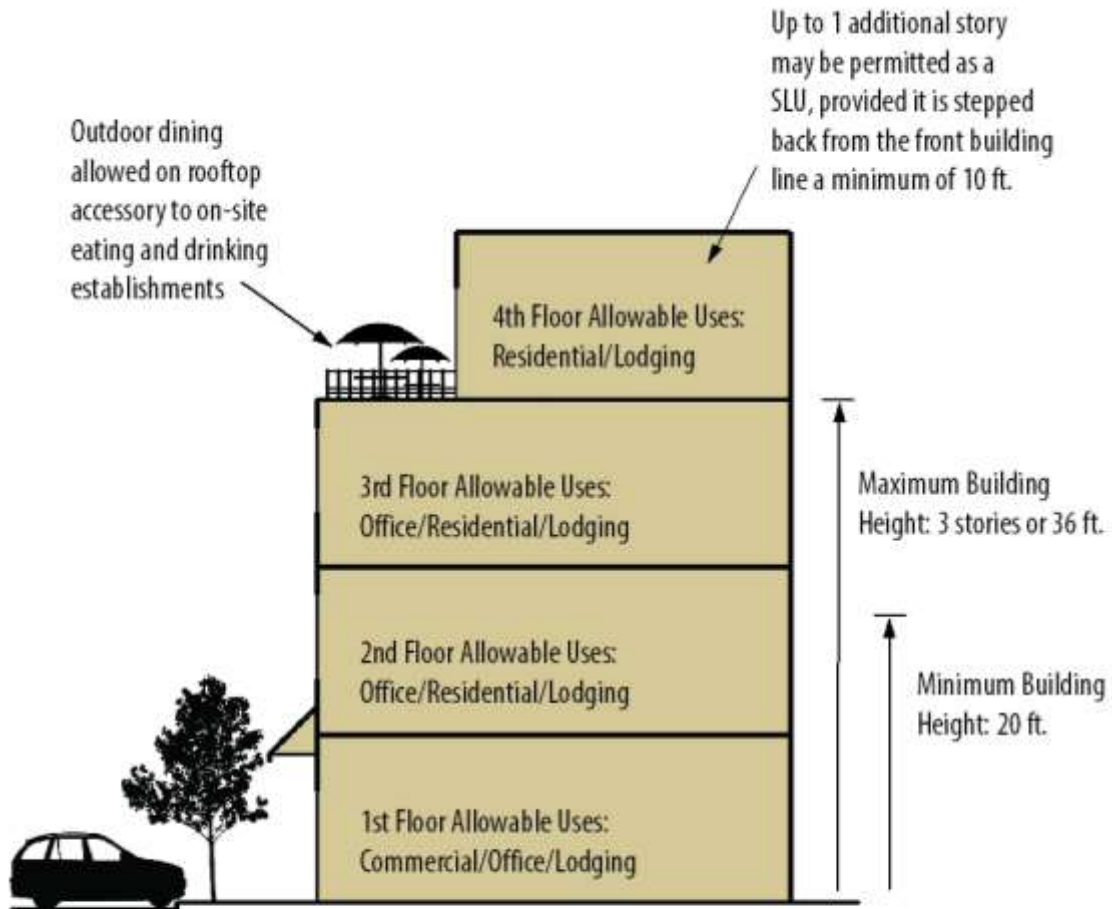
# Corner Lot



**V-1A VILLAGE DISTRICT: DOWNTOWN WATERFRONT  
ZONING REQUIREMENTS SUMMARY (cont.)**

*For summary and illustrative purposes only. Refer to text for complete requirements.*

***Building Height and Usage Requirements***



Exceptions to the building usage requirements, such as the inclusion of commercial uses on the upper floors, may be granted by the Planning Commission after Special Land Use approval

Section 3. Article VI, Section 6.03 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

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

Section 4. Article VI, Heading of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

**Section 6.05 SCREENING REQUIREMENTS IN THE V-1 OR V-1A VILLAGE DISTRICTS**

Section 5. Article VII, Section 7.03(B) of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

**B. Interior Parking Lot Landscaping.**

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

4. **In the V-1 or V-1A Village Districts, the Planning Commission may, at its discretion, approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.**

Section 6. Article IX, Section 9.03(A)(2) of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

A. Residential

2. Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one-bedroom dwelling unit. For each additional bedroom per unit, one-half (½) of an additional parking space shall be provided. Multiple-family dwelling units in the V-1 **or V-1A**, Village Districts shall require one and one-half (1.5) paved off-street parking spaces per each dwelling unit.

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

Section 7. Article IX, Section 9.04 Heading and 9.04 (A) of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

**Section 9.04 PARKING STANDARDS IN THE V-1 OR V-1A VILLAGE DISTRICTS**

A. Village District Parking Standards.

1. Parking within the front yard shall not be permitted.
2. The Planning Commission may allow parking within a side yard if the applicant can demonstrate that unique physical characteristics of the property prevent the location of parking at the rear of the site.
3. One (1) three (3) foot high decorative brick wall shall be constructed between parking areas located in the side yard and abutting public right-of-ways.
4. Maneuvering lanes and access drives shall be a minimum of twenty (20') feet in width.
5. A connecting access drive and/or joint access agreement shall be provided to adjacent properties to provide for a contiguous parking system.
6. Non-residential uses located in the V-1 Village District may be permitted a 25% reduction in the required amount of parking, as determined in Section 9.03.

7. **See Section 14.21, J for special parking provisions within the V-1A Village District: Downtown Waterfront.**

Section 8. Article XIV, Section 14.02 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby amended to read as follows:

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

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

Section 9. Article VIX, Section 19.08 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby created to read as follows:

**Violations and penalties.**

**A.** Except for a violation of this Zoning Ordinance expressly designated as a municipal civil infraction, any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this ordinance, or who fail to comply with any of the regulatory measures or conditions of the zoning board of appeals or the township board, adopted pursuant hereto, shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine of not more than \$500.00 or 90 days in jail or both and the costs of prosecution at the discretion of the court. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance.

Uses of land and dwellings, buildings or structures, including tents, trailer coaches and mobile homes, used, erected, altered, razed or converted in violation of any provision of this ordinance, are hereby declared to be a nuisance per se. The court shall order such nuisance



abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, mobile home or land shall be adjudged guilty of maintaining a nuisance per se.

**B. Municipal civil infraction.**

It is unlawful and constitutes a municipal civil infraction for any person to violate or fail to comply with the following provisions:

| TITLE   | SECTION |
|---|---------|
| Building grades   | 11.02   |
| Corner clearance  | 10.04   |
| Garage sales, rummage sales and similar activities        | 11.06   |
| Outdoor merchandising                                     | 11.08   |
| Prohibited occupancy                                      | 11.09   |
| Outdoor Storage   | 17.31   |
| Yard use  | 12.06   |
| Home occupation   | 17.26   |
| Height limit  | 11.07   |
| Porches/terraces, at-grade patios, steps/stairs and decks | 5.04    |



| TITLE                            | SECTION |
|----------------------------------|---------|
| Projections into yards           | 12.06   |
| Residential yard fences          | 6.01    |
| Screening requirements           | 6.02    |
| District regulations             | 14.04   |
| Industrial performance standards | 7.06    |
| Permits                          | 19.03   |
| Zoning approval certificate      | 19.03   |
| Final inspection                 | 19.09   |
| Certificate of zoning compliance | 19.03   |

The sanction for a municipal civil infraction citation shall be a civil fine in the amount provided by this Zoning Ordinance, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended and other applicable laws.

- (1) Unless otherwise specifically provided by this ordinance, the fine for each violation shall be not less than \$100.00 or more than \$200.00.
- (2) An increased fine may be imposed by the court for each repeat offense in accordance with the following:

(A) The fine for any offense that is a first repeat offense shall be no less than \$250.00 nor more than \$400.00.

(B) The fine for any second repeat offense or any subsequent repeat offense shall be no less than \$500.00.

(C) In addition to all other remedies, the township may commence and prosecute appropriate actions or proceedings in court to restrain or prevent any noncompliance with or violation of any of the provisions of this ordinance, or to correct, remedy or abate such noncompliance or violation.

Section 10. Article VIX, Section 19.09 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby created to read as follows:

Any use of land or of a dwelling, building or structure, including a tent or recreational vehicle, used, erected, altered, razed or converted in violation of any of the provisions of this ordinance or a regulation adopted under it is declared to be a public nuisance per se and shall be abated by order of a court of competent jurisdiction. The township supervisor or his or her designate shall administer and enforce the zoning ordinance.

Section 11. Article VIX, Section 19.10 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby created to read as follows:

## **MUNICIPAL CIVIL INFRACTIONS**

A. *Definitions*. In this article, the following words shall have the meaning ascribed to them:

*Bureau*. The word "bureau" means the Charter Township of Harrison Municipal Ordinance Violations Bureau as established by this article.

*Municipal civil infraction action*. The words "municipal civil infraction action" mean a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

*Municipal civil infraction citation*. The words "municipal civil infraction citation" mean a written complaint or notice to appear in court upon which an authorized township official records the occurrence or existence of one or more municipal civil infractions by the person cited.

*Municipal civil infraction notice*. The words "municipal civil infraction notice" mean a written notice prepared by an authorized township official, directing a person to appear at the Charter Township of Shelby Municipal Ordinance Violations Bureau to pay the fines and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the township.

*Municipal ordinance violations bureau*. The words "municipal ordinance violations bureau" mean the bureau established by section 1-16 [of the Code of Ordinances].

*Repeat offense.* The words "repeat offense" mean a second (or subsequent) municipal civil infraction of the same requirement or provision of this ordinance committed by a person within any six-month period for which the person admits responsibility or is determined responsible.

B. *Municipal civil infraction action; commencement.* A municipal civil infraction action may be commenced upon the issuance by an authorized township official of (1) a municipal civil infraction citation directing the alleged violator to appear in court; or (2) a municipal civil infraction notice directing the alleged violator appear at the Charter Township of Harrison Municipal Ordinance Violations Bureau, within ten days, to pay a civil fine if the alleged violator admits responsibility.

C. *Municipal civil infraction citations; issuance and service.* Municipal civil infraction citations shall be issued and served by authorized township officials as follows:

(a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.

(b) The place for appearance specified in a citation shall be the district court.

(c) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained the township and issued to the alleged violator as provided by Chapter 87 Section 8705 of the Act.

(d) A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under penalties of perjury that the statements above are true to the best of my information, knowledge and belief."

(e) An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(f) An authorized township official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction or;

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the township attorney approves in writing the issuance of the citation.

(g) Municipal civil infraction citations shall be served by an authorized township official as follows:

(1) Except as provided by [subsection 1-14(7)b of the Code of Ordinances], an authorized township official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction involves the use or occupancy of land, a building or other structure, a copy of the citation does not need be personally served upon the alleged violator, but may be served upon an owner or occupant of

the land, building or structure by posting the copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner's last known address.

D. *Municipal civil infraction citations; contents.*

(a) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.

(b) Further, the citation shall inform the alleged violator that he or she may do one of the following:

(1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.

(2) Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.

(3) Deny responsibility for the municipal civil infraction by doing either of the following:

(i) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the township.

(ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(c) The citation shall also inform the alleged violator of all of the following:

(1) If the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for a hearing, unless a hearing date is specified on the citation.

(2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for a hearing, unless a hearing date is specified on the citation.

(3) A hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or township.

(4) At an informal hearing the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.

(5) At a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

E. *Municipal ordinance violations bureau.*

(a) The Charter Township of Harrison Municipal Ordinance Violations Bureau ("Bureau) is established as authorized by Chapter 83 Section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction notices issued and served by authored township officials, and to collect and retain civil fines and costs as prescribed by ordinance.

(b) The bureau shall be located at a site designated by the township supervisor and shall be under the supervision and control of the township supervisor. The township supervisor, subject to approval of the township board, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified township employee(s) to administer the bureau.

(c) The bureau may dispose of municipal civil infractions for which a fine has been scheduled and for which a municipal civil infraction notice (as differentiated from a citation) has been issued. The bureau may not dispose of a municipal civil infraction citation (as differentiated from a municipal civil infraction notice.)

Nothing in this chapter shall prevent or restrict the township from issuing a municipal civil infraction citation for any violation or from prosecuting any action for such a violation in a court of competent jurisdiction. No person shall be required to respond to a municipal civil infraction notice at the bureau and may instead have the violation processed as a citation so that the matter will be handled by a court of competent jurisdiction. The unwillingness of any person to respond to any municipal civil infraction notice at the bureau shall not prejudice or diminish such person's rights, privileges and protections accorded by law.

(d) The bureau shall only accept admissions of responsibility for municipal civil infractions for which a municipal civil infraction notice has been issued (as differentiated from a municipal civil infraction citation). The bureau shall collect and retain civil fines and costs resulting from those admissions. The bureau shall not accept payment of a civil fine from any person who denies responsibility for the offense or who admits responsibility with an explanation. In no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to the alleged violation.

(e) Municipal civil infraction notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as provided for in subsections 2-153 of the Code of Ordinances. In addition to any other information required by this Code, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

(f) An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person or by representation.

(g) If an authorized township official issues and serves a municipal civil infraction notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violations are not paid at the bureau

within ten days from the date of issuance of the municipal civil infraction notice, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at his last known address. The citation filed with the court shall consist of a sworn complaint containing the allegations stated in the municipal civil infraction notice and shall fairly inform the alleged violator how to respond to the citation.

F. *Schedule of municipal civil infraction fines.*

(a) The following schedule of fines payable to the bureau for admissions of responsibility by persons served with municipal civil infraction notices shall apply,

(1) One hundred dollars for each violation.

(2) Two hundred fifty dollars, for the first repeat offense.

(3) Five hundred dollars, for any second or subsequent repeat offense.

(b) A copy of the schedule, as amended from time to time shall be posted at the bureau.

Section 12. Article VIX, Section 19.11 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby created to read as follows:

Authority to issue municipal civil infractions notices and citations.

The township supervisor, township engineer, building official, code enforcement official, police officers, park rangers and such other officers, employees and other public servants designated by the township supervisor are authorized to issue and serve municipal civil infraction notices and citations as authorized by Public Act 236 of 261, as amended.

Section 13. Article VIX, Section 19.12 of the Charter Township of Harrison Zoning Ordinance, Michigan is hereby created to read as follows:

Authority to issue appearance tickets.

The township supervisor, township engineer, building official, code enforcement official, police officers and such other officers, employees and other public servants designated by the township supervisor are authorized to issue and serve appearance tickets as provided by section 9c and 9f of Chapter IV of Act No. 175 of the Public Acts of 1927, as amended.

Section 14. SEVERABILITY

If any subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion of this Ordinance and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 15. REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 16. EFFECTIVE DATE

This Ordinance shall be effective seven (7) days from the date of publication hereof.

**Motion by Bill Bitonti, Trustee and second by Adam Wit, Clerk to introduce the Ordinance amending the Charter Township of Harrison Zoning Ordinance Article XIV Zoning Districts to create the V-1A Village District: Downtown Waterfront, and amend corresponding sections of the Zoning Ordinance as it relates to V-1A Village District, for Repealer, Severability, Penalties and Effective Date and to publish a Notice of Introduction at the Charter Township of Harrison and that the full text may be reviewed in the Clerk's Office during business hours (8:00-4:30 p.m.) including the changes as discussed.**

**ROLL CALL:           AYES:           Bitonti, Wit, Batkins, Tomenello, Verkest  
                          NAYS:           Servial, York  
                          ABSENT:       None  
                          MOTION CARRIED**

**CERTIFICATION**

I hereby certify the forgoing is a true and complete copy of Ordinance No. \_\_\_\_\_ duly adopted by the Board of Trustees of the Charter Township of Harrison at a Regular Meeting held on \_\_\_\_\_, 2018, pursuant and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended and that the minutes of said meeting were kept and will be make available as required by said Act.

\_\_\_\_\_  
ADAM WIT, CMC, CMMC, Clerk

Introduction Date: \_\_\_\_\_  
First Publication Date: \_\_\_\_\_  
Adoption Date: \_\_\_\_\_  
Second Publication Date: \_\_\_\_\_  
Effective Date: \_\_\_\_\_