



CHARTER TOWNSHIP OF HIGHLAND

205 North John Street • Highland, Michigan 48357 • (248) 887-3791

CHARTER TOWNSHIP OF HIGHLAND ORDINANCE NO. Z-006

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF HIGHLAND ZONING ORDINANCE (CHAPTER 25 OF THE GENERAL CODE OF ORDINANCES) BY REVISING ARTICLE 4, DISTRICT REGULATIONS; ARTICLE 9, DISTRICT SPECIFIC REGULATIONS; ARTICLE 16, NON-CONFORMING USES AND STRUCTURES; ARTICLE 17, ZONING BOARD OF APPEALS TO MODIFY THE DETERMINATION OF SETBACKS REGARDING SEPTIC SYSTEMS AND LAKEFRONT LOTS, TO REFINE PROCEDURES REGARDING SPECIAL LAND USE REVIEW AND APPROVAL, AND TO CHANGE RULES REGARDING NON-CONFORMING STRUCTURES.

THE CHARTER TOWNSHIP OF HIGHLAND ORDAINS:

Section 1. Amend Article 4. DISTRICT REGULATIONS *as follows:*

Amend Sec. 4.15 SCHEDULE OF REGULATIONS as follows:

In Table 4.1, Column "Ordinary High Water Mark" and Row "LV", replace text "65 ft." with symbol "—"

Replace Footnote D with the following text:

D. Septic systems in all districts are subject only to the setbacks established by the Oakland County Health Division.

Amend Footnote E. as follows:

E. Any structure, yard, pen, or other area where farm animals are kept must be setback fifty (50) feet from any residential building or structure on the same lot and fifty (50) feet from any building or structure on an adjacent lot. Animal owners are liable for damage their animals may inflict on neighboring properties, and are advised to maintain a suitable setback from the property line, considering the behavior of their animals and the nature of the adjoining properties. Pens, yards and fences must be setback twenty (20) feet from all lot lines, whereas any structure housing farm animals must meet all required yard setbacks.

Add Footnote R as follows to apply to the R-3 Zoning District:

R. For accessory buildings and structures in the R-3 Zoning District, the rear yard setback shall be 50 feet.

Section 2. Amend Article 6 SPECIAL LAND USE PROCEDURES AND STANDARDS as follows:

Amend Sec. 6.02 .C. as follows:

- A. **Application.** ~~If applicable, which shall be determined at the pre-application meeting, a site plan review application shall be applied for concurrently with the submittal of the special land use application. The site plan review application will be reviewed by the Planning Commission after the special land use is approved. All application forms shall be supplied by the Township.~~

The applicant shall submit the following to the Zoning Administrator:

1. Completed application, application checklist and payment of required fees.
2. Written description of the proposed project or use.
3. ~~A completed site plan or sketch plan~~ An operations plan that illustrates the location of various activities proposed for the site such as sales areas, parking areas, traffic circulation patterns, sanitary provisions and other uses determined by the Zoning Administrator at the pre-application meeting. The submitted plan shall include the required information in Table 5.2, Site Plan and Sketch Plan Submittal Requirements.
4. Any additional information necessary for the Township to complete the review. Additional information the Zoning Administrator or Planning Commission finds necessary and may include but is not limited to: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities and traffic.
5. For land uses involving permanent structures and/or significant site improvements, a site plan or sketch plan application, prepared in accordance with the procedures outlined in Article 5, SITE PLAN REVIEW: PROCEDURES AND STANDARDS may be submitted concurrently with the Special Use Approval Application.
6. No Special Land Use Permit shall be finalized until such time as all approvals required under Section 5.02 are approved by the Planning Commission or Zoning Administrator as appropriate.

Amend Section 6.03.A and B as follows:

- A. **Technical Review.** The special land use application shall be reviewed by township staff ~~and consultants~~ for completeness and compliance with the appropriate sections of this Ordinance. The Zoning Administrator may forward

the application to the consultants for additional review. Technical reviews shall be submitted to the Planning Commission.

- B. **Planning Commission Review and Public Hearing.** The Zoning Administrator shall forward all special land use applications to the Planning Commission, along with any staff reports or consultant reviews as may be available. ~~Township Planning Consultants, Engineers or other consultants for review and recommendation.~~ The Planning Commission shall schedule the application for public hearing on the next available agenda with proper notice as stated in Section 3.11, Public Hearing Notice.

Section 3. Amend Article 9. DISTRICT SPECIFIC REGULATIONS as follows:

Replace Sec. 9.02.D. Minimum Setback from the Ordinary High Water Mark with the following text:

- a. The setback from the ordinary high water mark shall be determined to promote consistency with established patterns within a developed neighborhood, while protecting viewsheds of the lake for neighboring properties.
- b. Typically, the setback from the ordinary high water mark is 65 feet. The setback may be reduced to as little as 30 feet on lakefront lots, based on an analysis of like structures on parcels within 200 feet of the subject parcel, located along the lakeshore. This setback reduction may be applied to principle primary structures or to uncovered porches and decks. This setback reduction may not be applied to accessory structures such as garages and boathouses.
- c. In determining the setback reduction, the following method shall be used, utilizing aerial photography and parcel models provided in the Oakland County Geographic Information System:
 - 1) Determine which existing primary structures or decks/uncovered porches shall be considered in the calculations. Decks and uncovered porches shall not be used in determining setback reductions for a principle structure, but principle structures may be used in determining setback reductions for decks/uncovered porches.
 - 2) Determine the distance from each structure to the presumed ordinary high water mark and record the distance.
 - 3) For parcels with no structures are closer to the presumed high water mark than 65 feet, enter a value of zero for further calculations. For parcels with structures closer to the presumed high water mark than 30 feet, enter a value of 35 feet for further calculations. For remaining parcels with structures falling between those two limiting factors, enter the difference between 65 feet and the measured distance.

- 4) Determine the average difference of all measurements as recorded in Step 3 (e.g. add all recorded differences and divide by the number of samples). This result represents the allowable setback reduction.

Replace Sec. 9.02.I. Maximum Floor to Area Ratio (FAR) with the following text:

- I. **Maximum Lot Coverage.** The maximum lot coverage for all building (principal and accessory) is as follows:
 - a. For lots with net area less than 14,000 square feet, the maximum lot coverage shall be 45 percent.
 - b. For lots with net area of 14,000 square feet or greater, the maximum lot coverage shall be 35 percent.

Section 4. Amend Article 16. **NON-CONFORMING USES AND STRUCTURES** as follows:

Delete subsection 16.05.C. (as pertains to repairs, improvements or modernization of non-conforming buildings and structures) and renumber subsections that follow.

Section 5. Amend Article 17. **ZONING BOARD OF APPEALS** as follows:

Add paragraph following the first paragraph in Section 17.04.E as follows:

Where Highland Township is not specifically identified as a party of interest in a covenant or deed restriction (such as a condition of approval for a Planned Residential Development,) such covenants and deed restrictions are not the purview of the Zoning Board of Appeals and will not be considered in the grant or denial of variances.

Section 6. Savings Clause

That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7. Severability

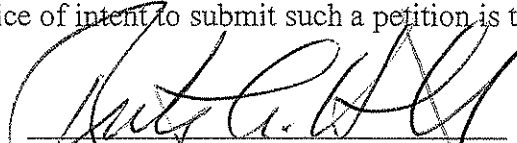
The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 8. Adoption

This Zoning Ordinance amendment is hereby declared to have been adopted by the Charter Township of Highland Township Board at a meeting thereof duly called and held on the 14 day of October 2015.

Section 9. Effective Date

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.


Rick A. Hamill, Township Supervisor


Mary L. McDonell, MMC, Township Clerk

Introduction: October 14, 2015
Adoption: October 14, 2015
Published: October 22, 2015
Effective Date: October 30, 2015

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of a Zoning Ordinance amendment adopted by the Township Board of the Charter Township of Highland on October 14, 2015 which was a regular meeting. I further certify that at said meeting there were present the following Board members: Rick Hamill, Mary L. McDonell, Judith Cooper, Mary Pat Chynoweth, Charles Dittmar, Brian Howe and Russ Tierney

I further certify that the adoption of said Zoning Ordinance amendment was moved by Board member Chynoweth and supported by Board member McDonell.

I further certify that the following Board members: Hamill, McDonell, Cooper, Chynoweth, Dittmar, Howe and Tierney voted for the adoption of said Zoning Ordinance amendment and that the no Board members voted against the adoption of said Zoning Ordinance amendment.

I further certify that no Board members abstained from voting.

I hereby certify that said Zoning Ordinance amendment has been recorded in the Ordinance Book in said Charter Township and that such recording has been authorized by the signature of the Township Supervisor and Township Clerk.


Mary L. McDonell, MMC, Township Clerk