

**ARTICLE 8**

**GENERAL PROVISIONS**

5    **SECTION 8.01     INTENT**

The intent of this Article is to provide regulations that apply to any and all districts in the Township, regardless of whether the existing or proposed land use, structures and site improvements are subject to site plan review and approval.

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**SECTION 8.02     RESIDENTIAL TREE REQUIREMENTS**

There shall be at least one tree for each residential unit. The required tree shall be located between the front of the principal building and the street. The required tree shall be selected, installed and maintained according to the provisions of Article 12, Landscaping, and cannot be counted towards meeting other landscaping requirements of Article 12, such as street trees, green belts, screening, or parking lot landscaping.

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**SECTION 8.03     REQUIRED STREET FRONTAGE**

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Any parcel of land which is to be occupied by a use or building shall have frontage on and direct access to a public street or private road which meets one of the following conditions:

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- A.    A public street which has been accepted for maintenance by the county road commission;
- B.    A permanent and unobstructed existing private road of record; or
- C.    A private road designed and constructed in accordance with Township standards and approved by the Township.

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**SECTION 8.04     AREA, HEIGHT AND USE EXCEPTIONS**

The regulations in this Ordinance shall be subject to the interpretations and exceptions set forth below:

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- A.    **Voting Place.** Any property in the Township may be temporarily used as a voting place in connection with a municipal or other public election.

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- B.    **Height Limit.**

- 1.    Height Exceptions: No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except as set forth herein.

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- a. Roof structures and screening devices for the housing of elevators, stairways, tanks, ventilating fans, solar panels or similar equipment required to operate and maintain the building shall not exceed by more than ten (10) feet the height limit of the district in which the use is located.
- b. Fire or parapet walls and skylights shall not exceed by more than five (5) feet the height limit of the district in which the use is located.
- c. Steeples, chimneys, smokestacks, or similar structures shall not exceed by more than fifteen (15) feet the height limits of the district in which the use is located.
- d. A structure which is permitted by this Section to exceed height limits shall have a total area no greater than ten percent (10%) of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building.
- e. In no event may persons occupy such a structure. The provisions of this Section shall not apply to wireless communication facilities regulated by Section 10.24, Wireless Communication Facilities.

- 2. Individual domestic antennas in agricultural and residential districts may be constructed to a height of fifty (50) feet provided the structure is located so that the base of the structure is no closer to any property line than the height of the structure. No such structure shall be placed in a required or unrequired front yard.
- 3. Flagpoles in any zoning district shall be located so that the base of the structure is no closer to any property line than the height of the structure. Any flagpoles in excess of fifty (50) feet in height are subject to site plan approval.

D. **Architectural Projections**, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard. May extend or project into a required front or rear yard not more than three (3) feet.

E. **Irregular Frontage Lots**. Irregular frontage lots are permitted under this ordinance as follows:

- 1. Such lots shall have a total area equal to or greater than the minimum lot area required by this Ordinance for the applicable zoning district in which the lot is located.
- 2. The minimum width of the front lot line shall not be less than sixty (60) feet.
- 3. The lot is of such size and configuration so as to completely contain within its boundaries a rectangle, trapezoidal or triangular shaped area of land which:
  - a. has a minimum width equal to the minimum lot width of the district

- b. has a minimum buildable area equal to the minimum buildable area of the district
- 4. The Township Zoning Administrator may require a survey prepared by a land surveyor registered in the State of Michigan to demonstrate that Ordinance requirements have been met.

F. **Lots Adjoining Alleys.** In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered part of such lot.

**SECTION 8.05 SANITARY SEWER OR ONSITE SEWAGE DISPOSAL**

Before a building permit is issued for construction or alteration of a dwelling or commercial or industrial building, or a land use permit is issued for a business, an owner must first submit one of the following:

- A. A permit to install an individual on-site sewage disposal system issued by the Health Division of Oakland County or State of Michigan; or
- B. An inspection report from a septic system contractor verifying acceptable operation and capacity of an existing onsite sewage disposal system; or
- C. A Connection Permit for connection to an available public sanitary sewer system; or
- D. A Connection Permit for a community onsite sewage disposal system in accordance with the terms and conditions of the Highland Township Sewer and Water Ordinance.

**SECTION 8.06 WATER SUPPLY**

Before a building permit is issued for construction of a dwelling or commercial or industrial, an owner must first submit one of the following:

- A. A permit to install an individual on site water well system; or
- B. A Connection Permit for connection to an available public water supply; or
- C. Township Board approval of a community water supply system or extension of an existing public water supply system in accordance with the terms and conditions of the Highland Township Sewer and Water Ordinance.

**SECTION 8.07 STORMWATER MANAGEMENT**

As part of each approved site plan for a single-family or multiple-family development, or commercial or industrial business, an applicant must provide an acceptable stormwater management system designed in accordance with the Highland Township Engineering Design Standards and the provisions of Section 15.03, Stormwater Management.

**SECTION 8.08 ESSENTIAL SERVICES**

5 Essential services shall be permitted as authorized under any franchise in effect within the Township, or as installed as part of any municipally owned public utility, subject to all applicable local, state and federal laws and regulations.

10 It is the intent of this Section to ensure conformity of all structures and uses to the requirements of the District in which the essential service is established wherever such conformity is practicable and not in conflict with the specific requirements of said franchise, or applicable laws and regulations. In the absence of such conflict, the Zoning Ordinance shall prevail.

15 Wireless communications facilities are defined as an essential service only where located on Township-owned sites incorporated into the Township's or County's emergency communication network or are associated with another authorized essential service.

20 Wireless communications facilities determined not to meet this definition are regulated as a special use under Section 10.24, Wireless Communication Facilities.

**SECTION 8.09 ACCESSORY STRUCTURES AND USES**

25 A. **Residential.**

1. **Height and Placement.** Accessory buildings, structures and uses shall be governed by the same height and placement regulations which apply to principal buildings unless otherwise specified in this Ordinance.

30 2. **Relation to Principal Structure.**

a. Accessory buildings, structures, and uses are permitted only in conjunction with, incidental to, and on the same lot as a principal building occupied with a use permitted in the particular zoning district.

35 b. An accessory building, structure, or use shall not be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.

40 c. Garages that are structurally attached to a principal building by connection of walls or a roof shall be subject to, and must conform to, all regulations of this Ordinance applicable to the principal building, including setbacks, height and lot coverage.

45 3. **Residential Entrance Way.**

- a. In all Residential Zoning Districts, entrance way structures including but not limited to decorative walls, columns and gates marking entrances to a single family subdivisions, multiple-family housing projects and mobile home parks may be permitted within a required yard provided such structures are a minimum of five (5) feet from a public road right-of-way. All structures must be placed outside the required corner clearance area per Section 11.05, Clear Vision Area, and beyond any required greenbelt per Section 12.06, Greenbelt. Entrance way structures are subject to site plan review, require a building permit and must comply with all codes of the Township.
- b. Entrance Way columns marking driveway entrances to a single family dwelling may be permitted within required yards provided the columns are a minimum of five (5) feet from a public or private road right-of-way and do not exceed a height of eight (8) feet.

**4. Porches, Decks, Terraces and Patios.**

- a. Uncovered Porches. An open, unenclosed and uncovered porch, patio, deck or terrace, including those constructed on the ground and/or constructed of brick, concrete or pavers may project into a required front, side or rear yard setback providing the following standards are met:
  - (1) The highest finished elevation of the uncovered porch shall not be over thirty (30) inches above the surrounding finished grade; and
  - (2) The uncovered porch may project into any required yard setback for a distance not exceeding five (5) feet.
  - (3) No portion of the uncovered porch shall be closer than five (5) feet from any lot line.
- b. Second Story Decks. Uncovered second story decks, including any walkway connecting the second story deck to a first story deck, a ground-level deck, or a deck located above a walk-out basement may project into a required yard up to a maximum of five (5) feet.
- c. Covered Porches. Porches, decks or terraces sheltered partially or wholly by a permanent or temporary canopy, awning, metal, lattice, pergola or any other material shall be considered covered. Covered porches, decks and terraces are subject to the setbacks applicable to the principal structure, as set out in the applicable zoning district regulations and shall not project into any required yard setback.

**5. Swimming Pools, Hot Tubs and Spas.** Swimming pools, hot tubs and spas shall be subject to the following regulations:



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- b. All outdoor display areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without adversely impacting adjacent property. The Planning Commission may approve a gravel surface for all or part of the display area for low intensity activities, such as landscaping sales, upon a finding that the neighboring properties will not be negatively impacted by pollution. Spill control measures may be required such as containment curbs and covered shelters for materials deemed to pose an environmental risk, such as, but not limited to, fertilizers, softener salt, pesticides, and the like.
  - c. Any stockpiles of soils, mulch or similar loose materials shall be contained to prevent dust or blowing of materials.
  - d. Outdoor displays shall not be placed on sidewalks unless four (4) feet of contiguous sidewalk is maintained for clearance between the display and any permanent structure such as building or curb.
  - e. Outdoor display areas shall not occupy any required parking spaces.
  - f. Outdoor display areas shall not be located in any required yards.
  - g. The Planning Commission may require additional landscaping or screening.

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3. **Temporary Outdoor Promotional Events.** The Zoning Administrator is authorized to review and approve land use permits for temporary promotional events, subject to the following:

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- a. Temporary outdoor promotional events may be permitted for periods not to exceed thirty (30) days on sites zoned C-1, Local Commercial; C-2, General Commercial; or HS, Highland Station. In multiple tenant developments, events shall be coordinated with all tenants and one application shall be submitted for the site.
  - b. Items offered for sale and services must be related to an established business already located on the site. Outdoor sales and/or outdoor consumption of alcoholic beverages is not permitted under the provisions of this Ordinance. Except that an establishment that has a valid liquor license may serve alcoholic beverages provided appropriate permits are secured from the Liquor Control Commission
  - c. Outdoor displays and sale areas shall not occupy or obstruct the use of any fire lane, sidewalk or landscaped area. Such areas may occupy no more than ten percent (10%) of the parking lot, provided the applicant

demonstrates that the resultant traffic patterns will not create a hazard or nuisance.

- d. Outdoor displays and sale areas shall meet all required setbacks from property lines abutting residentially zoned or used properties. The use must be screened from the residential use and may not encroach into the required greenbelt (twenty (20) feet from the right-of-way) 12.06, Greenbelts
- e. Temporary signs associated with the event, such as banners and sandwich boards, may not be located within the public right-of-way, in any clear vision area or in a required greenbelt. The maximum area of a temporary sign is eight (8) square feet. The maximum height is four (4) feet. Only one sign per business may be approved. For multiple-tenant sites, the number of signs is limited to one sign per forty (40) lineal feet of frontage.
- f. Any outdoor sound system must be operated so that no sound is conveyed beyond the property line.
- g. The exterior of the premises shall be kept clean, orderly and well-maintained.
- h. A permit may be issued twice a year for thirty (30) days each. At least 60 days must pass between each event.

The applicant must make application on a form to be provided by the Zoning Administrator and accompanied by a narrative describing the promotional event, a plot plan and application fee. .

## **SECTION 8.10 ACCESSORY DWELLING UNITS**

### **A. Accessory Dwelling Units in Single Family Residential Zoning Districts.**

- 1. One (1) accessory dwelling unit may be permitted under the following conditions:
  - a. The accessory dwelling unit is located entirely within the principal buildings, including space in attached garages, and shall be prohibited in any detached accessory structure.
  - b. The accessory dwelling unit is on a lot of at least twelve thousand (12,000) square feet.
  - c. Accessory dwelling units shall be prohibited in any basement.
  - d. The site must provide off-street parking for at least three (3) vehicles.

2. The exterior of the principal building shall retain the residential character of a single-family home. The principal building shall not be modified to give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer or a separate entrance door on a side or rear wall. The use of exterior stairways to provide access to upper floor accessory dwelling units is prohibited.
3. Each accessory dwelling unit shall have a minimum gross floor area of three hundred-fifty (350) square feet, and accessory dwelling units may not occupy more than twenty-five percent (25%) of the principal building gross floor area.
4. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. The owner(s) of the property shall occupy a minimum of fifteen hundred (1,500) square feet of gross floor area within the principal building. Permitted accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence.
5. No accessory dwelling unit shall be issued a separate street address.
6. An accessory dwelling unit requires a land use permit. The Zoning Administrator may require any supporting documentation such as a plot plan, floor plans and building elevations. The property owner must submit a notarized affidavit affirming their residence in the principal dwelling unit. The Zoning Administrator may periodically require such affidavit be renewed.

**B. Accessory Dwelling Units in Office and Commercial Zoning Districts.**

1. Accessory dwelling units shall be contained entirely within the principal building.
2. Ground floor accessory dwelling units shall occupy no more than twenty five percent (25%) of the gross floor area of the building.
3. Second story accessory dwelling units shall occupy no more than fifty percent (50%) of the gross floor area of the building.
4. Each accessory dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet and in no instance shall the accessory dwelling unit occupy more than a total of fifty percent (50%) of the gross floor area of the building.
5. Accessory dwelling units shall not be located in any basement.
6. Each accessory dwelling unit shall have a separate kitchen, bath and toilet facilities and a private entrance. Where there is more than one (1) accessory dwelling unit in a building, such entrances may be provided from a common hallway.

7. All accessory dwelling units shall require a land use permit, and are subject to special land use approval by the Township Board and site plan approval by the Planning Commission.

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### **SECTION 8.11 GRADING AND RETAINING WALLS**

10 Site grading shall be coordinated with adjacent properties so as to avoid a significant grade differential resulting in steep slopes which exceed twelve percent (12%) or necessitate consideration of a retaining wall.

15 However, walls constructed to stabilize slopes or to hold back soils shall not be placed in required front, side or rear yards except where the finished slope above the wall is no higher than natural grade prior to excavation or placement of fill materials. The natural grade shall be determined by review of a topographic survey or Oakland County Geographic Information Systems data. Where a wall is placed to withhold manmade embankments, the height of the wall shall be no more than fifteen (15) feet high. Walls must be placed outside the required corner clearance area per Section 11.05, Clear Vision Area. Building permits are required for any wall over forty-eight (48) inches above natural grade.

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### **SECTION 8.12 FENCES AND SCREENING STRUCTURES**

#### **A. Residential Districts.**

- 25 1. No fence or other screening structure shall exceed six (6) feet in height in a side or rear yard.
- 30 2. Decorative fences shall not exceed forty-two (42) inches in height in a required front yard.
- 35 3. On lakefront lots, fences and other screening structures which are located between the main building and the ordinary high water mark shall be an open air type, permitting visibility through at least eighty percent (80%) of its area, and shall have a ten (10) foot setback from the ordinary high water mark.
- 40 4. A fence or other screening structure that is intended to provide privacy to a deck or patio that is either structurally attached or adjacent to the principal residence and is located within an unrequired rear yard shall not exceed a height of six (6) feet above the finished floor of a deck or finished grade of a patio. Such structures shall comply with the applicable setback requirements set forth in Section 8.09.A.4, Porches, Decks, Terraces and Patios.
- 45 5. Fences or other screening structures shall consist of materials commonly used in conventional construction, including, but not limited to wood, metal, vinyl, masonry brick or natural stone. If one side of the fence or other screening

structure has a more finished appearance than the other, then the side with the more finished appearance shall face the exterior of the lot.

6. Fences or other screening structures shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed.
7. Barbed wire or other similar fences shall not be permitted.
8. Above-ground electrically charged fences are permitted for the housing of livestock as regulated by the General Code of Ordinances. Invisible fences for all animals are permitted.
9. Fences around swimming pools shall be permitted, they must conform to applicable provisions of the current Building Code as adopted by the Township.

**B. Non-Residential Districts.**

1. Fences shall be permitted in the rear or side yard of non-residential districts and shall not extend in front of the principal building.
2. Height shall not exceed eight (8) feet in height.
3. Fences or other screening structures shall consist of materials commonly used in conventional construction, including, but not limited to wood, metal, vinyl, masonry brick or natural stone. If, because of the design or construction, one side of the fence or other screening structure has a more finished appearance than the other, the side of the fence or other screening structure with the more finished appearance shall face the exterior of the lot.

**SECTION 8.13 COMMERCIAL AND RECREATIONAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS**

**A. Commercial Vehicle Parking and Storage in Residential Districts.** In all residential zoning districts, the parking or storage of any commercial vehicle is prohibited except that one (1) such vehicle per dwelling unit may be parked or stored within a building. This requirement shall not apply when the vehicle and/or trailer is present for the purpose of providing a required service to the residence and limited to the period of time in which the service is rendered.

**B. Recreational Vehicle Parking and Storage in Residential Areas.** Recreational vehicles or units may be parked or stored on any lot or parcel in agricultural or single-family residential zoning districts and on parcels whose principal use is a single-family residence in the HS, Highland Station zoning district, subject to the following requirements:

1. Any recreational vehicle or unit may be parked or stored in a garage.
2. Two (2) recreational vehicles or units may be parked or stored outdoors on any lot occupied by a single-family dwelling.
3. In the HS, Highland Station and LV, Lake and Village Residential districts, recreational vehicles or units shall not be parked or stored any closer than three (3) feet to any side or rear lot line. In other districts, recreational vehicles or units shall not be parked or stored in any required side or rear yard. No recreational vehicle or unit may be placed so as to create a safety problem with sight distances from adjacent driveways or so as to create a nuisance. Recreational vehicles shall not be parked so as to block sight lines to lakes from neighboring lots.
4. Only recreational vehicles or units owned by and titled to a permanent resident of the residential lot may be parked or stored on said lot.
5. Recreational vehicles or units parked or stored shall not have permanent connections to water, gas, a septic system or a sanitary sewer system.
6. Recreational vehicles or units may not be used for living, sleeping or household purposes for more than fifteen (15) days in a calendar year.

#### **SECTION 8.14 OUTDOOR STORAGE**

A. **Outdoor Storage in Residential Districts.** Outdoor storage on parcels zoned or used for residential purposes shall be permitted in unrequired side or rear yards when completely screened from view by a fence or landscaping. Outdoor storage shall not be permitted in front yards. Outdoor storage shall not be permitted in manufactured housing parks or in multiple-family residential developments. Storage that is not related to the principal use is not permitted.

B. **Outdoor Storage in Industrial Districts.**

#### **SECTION 8.15 HOME OCCUPATIONS**

- A. No persons shall be employed at the home occupation other than an immediate family member residing on the premises.
- B. There shall be no sign or display that will indicate from the exterior of the building that it is being utilized in whole or part for any purpose other than as a dwelling.
- C. No mechanical or electrical equipment shall be used except such that is normal for domestic or household purposes.
- D. No substances shall be used except such that is normal for domestic or household purposes.

- 5 E. Not more than two (2) clients, customers or business associates shall visit the premises at one time. A professional person may use their residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of their profession.
- F. No accessory building other than a garage shall be used for such home occupation.
- 10 G. No outdoor storage or activity shall be permitted in connection with a home occupation.
- H. A home occupation shall not result in any continuous, intermittent, pulsating or other noise which can be heard outside of the home or garage in which it is conducted.
- 15 I. Home occupations require a land use permit. The Zoning Administrator may require any supporting documentation such as a plot plan, floor plans and building elevations. The property owner must submit a notarized affidavit affirming their residence in the principal dwelling unit. The Zoning Administrator may periodically require such affidavit be renewed, and may make periodic inspections to determine compliance.

20 **SECTION 8.16 MANUFACTURED HOUSING STANDARD**

Manufactured housing located outside of a manufactured home park shall meet the following provisions:

- 25 A. Not more than one (1) residential unit shall be permitted per zoning lot.
- 30 B. The lot on which a manufactured home is located shall meet all minimum lot size, setback, yard area, parking and all other pertinent zoning ordinance requirements. The manufactured home shall meet the minimum square foot requirements of the zoning district in which it is located.
- 35 C. It shall be firmly and permanently attached to a solid foundation or basement not less in area than the perimeter area of the dwelling. The foundation and/or basement shall be constructed in accordance with the current construction codes as adopted by the Township.
- 40 D. It shall not have any exposed wheels, towing mechanism or undercarriage.
- E. It shall be connected to a public sewer and water supply, if available, or to private facilities approved by the Oakland County Health Department.
- 45 F. It shall comply with the current building and fire codes adopted by the Township for single-family dwelling units. A building systems report shall be required or the following standards shall be met and it shall be the responsibility of the Township Zoning

Administrator to determine whether these standards are met, based upon a determination that all of the following conditions exist:

- 5 1. It shall be aesthetically comparable in design and appearance to conventionally constructed homes found within one thousand (1,000) feet of the proposed mobile/manufactured home.
- 10 2. The proposed manufactured home will have a combination of roof overhang and pitch of conventionally constructed homes typically found within one thousand (1,000) feet of the proposed manufactured home.
- 15 3. The proposed manufactured home will have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the mobile/manufactured home structure, and which are comparable to steps and/or porches of conventionally constructed homes typically found within one thousand (1,000) feet of the proposed manufactured home.
- 20 4. The proposed manufactured home will be covered with a siding material which is in color, texture, malleability, direction of joist and method of fastening to the structure comparable to siding of conventionally constructed homes typically found within one thousand (1,000) feet of the proposed manufactured home.
- 25 5. The proposed manufactured home will have the glass on its windows recessed at least one and one half (1-1/2) inches behind the exterior surface of its siding.
- 30 6. The proposed mobile/manufactured home will have front and rear or front and side exterior doors as such a combination of doors is found in a majority of the conventionally constructed homes within one thousand (1,000) feet of the proposed manufactured home.
- 35 7. The proposed manufactured home will have a one-car garage or a two-car garage if such a garage is found in a majority of the homes within one thousand (1,000) feet of the proposed manufactured home. Said garage shall be attached to the principal structure if a majority of the garages within one thousand (1,000) feet are attached to the principal structure.
- 40 8. The Township Zoning Administrator may approve a manufactured home as aesthetically comparable in design and appearance to conventionally constructed homes found within one thousand (1,000) feet of the proposed manufactured home even if all of the above conditions do not exist, provided it finds that the manufactured home and/or its site have other design features which make it aesthetically comparable to conventionally constructed homes within one thousand (1,000) feet.

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5 **SECTION 8.17 TEMPORARY BUILDINGS, DWELLINGS AND STRUCTURES**

A. **Temporary Buildings for Sales.** Temporary buildings for the sales and marketing of a private development project are permitted if the temporary building was approved as part of the site plan and all other Ordinance requirements have been met.

10 B. **Temporary Construction Buildings and Structures.** Temporary structures used as offices and storage by contractors, construction personnel and home owners are permitted. Temporary facilities include but are not limited to: construction trailers, dumpsters, storage containers and portable toilets. Use of said structures shall be  
15 restricted to construction activities related to the site or development on which they are located, as determined by the Zoning Administrator.

20 1. **Setbacks.** Setbacks may be varied but shall be determined based on review of site conditions and the use of the temporary structure. The minimum set back from existing structures shall be no less than six (6) feet.

C. **Temporary Dwellings.** Temporary dwellings may be permitted upon a finding by the Zoning Administrator that:

25 1. The principal dwelling has been destroyed in whole or in part by fire, explosion or natural disaster and therefore is unsuitable for use; or

30 2. The principal dwelling is under construction by the occupant of the temporary dwelling.

D. **Temporary Residential Structures.** Are permitted with an approved land use permit issued by the Zoning Administrator.

35 1. Temporary residential structures such as dumpsters, storage containers, portable toilets, may be permitted for a period of thirty (30) days.

2. Temporary residential structures such as tents for garage sales and family events may be permitted for a period not to exceed seven (7) consecutive days.

40 E. **Permit application and review standards.**

1. An application for a permit for temporary building, dwelling or structure shall be made to the Zoning Administrator. The application shall be accompanied by a plot plan showing the location of each proposed structure, water supply and sewage treatment facilities.

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2. The application shall be reviewed by the Zoning Administrator. Approval of the application may be granted upon a finding that all of the following conditions are met:
- 5 a. The temporary dwelling or building shall be served by and properly connected to approved water supply and sewage treatment facilities.
- 10 b. The temporary dwelling or building shall comply with all applicable Zoning District requirements including setback, area, bulk, and other requirements, except minimum size requirements.
- 15 3. The permit for a temporary dwelling, building or structure shall be valid for six months and may be extended for demonstrated cause for a maximum of one (1) year from the date of initial approval. Any conditions of approval shall be specified in writing on the permit. The temporary dwelling or building or structure shall be placed in accordance with all applicable building codes and standards. The permit shall run with the building permit and shall be revoked if building permit is closed.
- 20 4. No permit shall be issued until a cash bond has been posted in an amount to be determined by the committee to guarantee compliance with the provisions of the Ordinance and removal of the temporary dwelling upon expiration of the permit.

25 **SECTION 8.18 ENVIRONMENTAL PERFORMANCE STANDARDS**

30 A. **Intent.** No use, unless otherwise allowed, shall be permitted within any district which does not already conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

B. **Airborne Emissions.**

35 1. **Smoke and Air Contaminants.** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by Federal or State standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.

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45 2. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. This requirement is not intended

to interfere with the operation of a farm, as defined by this Ordinance, which is lawful pursuant to the Michigan Right to Farm Act, as amended.

**C. Noise.**

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1. Noise which is objectionable as determined by the Township due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled, subject to the following schedule of maximum noise levels permitted:

Octave Band in Cycles per Second	Along Residential District Boundaries Maximum Permitted Sound Level in Decibels	Along All Non-Residential District Boundaries Maximum Permitted Sound Level in Decibels
0 to 150	70	70
150 to 300	60	66
300 to 600	52	60
600 to 1200	46	53
1200 to 2400	40	47
Above 2400	34	41

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2. In addition, objectionable sounds of an intermitten nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses.
  - 15 3. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
  4. Earth moving, land balancing, earth clearing and other similar land development activities shall be restricted to the hours between 7:00 am and 8:00 pm Monday through Saturday and prohibited on Sunday and legal holidays. Farming activities and customary repairs and maintenance associated with individual dwellings shall be exempt from this requirement.
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  - 25 5. Outdoor speakers which can be heard beyond the property boundaries of any use shall be prohibited.
  6. Use of outdoor commercial and industrial truck loading and unloading spaces within two hundred (200) feet of a residential district shall be prohibited between the hours of 11:00 pm and 6:00 am.

**D. Vibration.**

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1. No use shall generate any ground transmitted vibration in excess of the limits set forth in (4) below. Vibration shall be measured at the nearest adjacent lot line.
  - 35 2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

3. The vibration maximums set forth in (4) below are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 FV \times D$$

PV = Particle velocity, inches per second

FV = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three components recorded.

4. Table of Maximum Ground Transmitted Vibration

Particle Velocity, Inches per Second	
Along Non-Residential District Boundaries	Along Residential District Boundaries
0.10	0.02
0.20	0.02

5. The values stated in (4) may be multiplied by two (2) for impact vibrations, i.e. discrete vibration pulsations not exceeding one (1) second in duration and having a pause of at least one (1) second between pulses.
6. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

E. **Waste Disposal.** All solid, liquid, and sanitary wastes shall be treated and disposed of in accordance with the standards of the Oakland County Health Department and the Michigan Department of Environmental Quality (MDEQ). Treatment or disposal of waste shall not create a hazard or nuisance to neighboring uses.

F. **Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.** No use shall:

1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
2. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

G. **Hazardous Substances.** Use, storage and handling of hazardous substance; storage and disposal of solid, liquid and sanitary wastes shall comply with the following:

1. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.
2. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses, stores or generates hazardous substances shall complete and file an Environmental Permits Checklist on a form supplied by the Township in conjunction with the following:
  - a. Upon submission of a site plan;
  - b. Upon any change of use or occupancy of a structure or premise; or
  - c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
3. Prior to Township approval of the business or expansion which uses, stores or generates hazardous substances, the Environmental Permits Checklist shall be reviewed by the Township Fire Department for comment. In addition to Fire Department review, the Township may elect, at the applicant's cost, to use an independent consultant to review the Environmental Permits Checklist. The independent consultant's review shall determine the effects of the proposal on the local environment. All business and facilities which use, store or generate hazardous substances in quantities greater than one hundred (100) kilograms per month (per the Environmental Permits Checklist) shall comply with the following standards:
  - a. Above ground storage.
    - i. Hazardous substances shall be stored only in product-tight containers.
    - ii. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
    - iii. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism through secondary containment. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, including an allowance for the expected accumulation of precipitation.

iv. State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

5 b. Underground storage. State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

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