

BUILDABLE AREA REGULATION

SECTION 1714. NATURAL HAZARD AREA REGULATIONS

1714-1. Intent

The natural hazard area regulations contained in this Section are intended to protect environmentally sensitive natural resources, herein termed "natural hazard areas," from unnecessary developmental encroachment. Natural hazard areas are found throughout the Township.

1714-2. Definition of Natural Hazard Areas

Natural Hazard areas are hereby defined as any of the following:

- a. Lake margins, which are defined as:
 1. The areas between the existing water and any known or recorded high water lines, and
 2. All areas of marshy extension of lakes.
- b. Stream valley flood plain areas, including:
 1. Areas of recorded flooding, and
 2. Areas of stream erosion or fill as evidenced by cut banks, scroll flats, natural levees and back swamps or similar geological features.
- c. Permanent marsh and swamp areas, as indicated by water at or near the surface, and transitions in natural vegetation.
- d. High water table areas, as indicated by the hydration of iron and aluminum oxides (presence of limonite or blue or gray wet sands or clays) within five (5) feet of the surface.
- e. Steep land areas, which are defined as:
 1. Any slope in excess of twelve (12) percent in any industrial, business, multiple-family, mobile home or R-1C single family residential district.
 2. Any slope in excess of 60 percent in any district other than those listed above.
 3. Any area of observed land slip or flow, regardless of slope.

1714-3. Regulations Pertaining to Natural Hazard Areas

Natural hazard areas shall not be counted toward meeting the minimum buildable area requirements of this ordinance.

1714-4. Natural Hazard Area Determination

Determination of the location and extent of natural hazard areas shall be made by the Planning Commission during the course of site plan review and other development application review. The Planning Commission shall make its determination based on the definition of Natural Hazard Areas set forth in Section 1714-2. In determining whether or not an area is a natural hazard area under the terms of Section 1714-2, the Planning Commission shall consider its own observations, the reports of Township administrative officials and consultants, and engineering data submitted by applicants.

NOTES: Taken from the Highland Township Zoning Ordinance, Oakland County, Michigan Upheld by *Frericks v. Highland Tp.* 228 Mich App 575; 579 NW2d 441 (1998).