

**CHARTER TOWNSHIP OF ORION  
INDEX OF AMENDMENTS TO ORDINANCE NO. 78**

<b>Amendment Number</b>	<b>Type of Amendment</b>	<b>Date of TB Meeting</b>	<b>Petitioner</b>	<b>Sidwell Number</b>	<b>Description</b>
78-1	Zoning Map	10/15/1984	Charles Bourdo	09-33-326-008	Rezone from R-1 to LI-2, 2.47 acres <i>4590 Joslyn Rd. west side of Joslyn Rd., south of Judah Rd.</i>
78-2	Zoning Map	10/15/1984	Rooding property	09-09-477-017	Rezone from SE to R-1, 2.76 acres <i>1700 W. Clarkston Rd. north side of Clarkston Rd., east of Joslyn Rd.</i>
78-3	Text Amendment	10/15/1984	N/A	N/A	<b>ARTICLE IV, Suburban Farms (SF)</b> Amend Sec. 4.01 (C), and add Sec. 4.05, Mobile Home Standards
78-4	Text Amendment	10/15/1984	N/A	N/A	<b>ARTICLE V, Suburban Estates (SE)</b> Amend Sec. 5.01 (C), and add Sec. 5.05, Mobile Home Standards
78-5	Text Amendment	10/15/1984	N/A	N/A	<b>ARTICLE VI, Single Family Residential (R-1, R-2 &amp; R-3)</b> Amend Sec. 6.01 (C), and add Sec. 6.05, Mobile Home Standards.
78-6	Zoning Map	10/29/1984	Sloan property	09-02-276-001	Rezone from OP-1 to GB-1, 3.814 acres <i>east side of Lapeer Rd. (M-24), north of Indianwood Rd.</i>
78-7	Text Amendment	12/17/1984	N/A	N/A	<b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec. 13.01, Principal Uses Permitted Amend Sec. 13.03 (C), Special Land Uses Amend Sec. 13.04, Uses Not Permitted <b>ARTICLE XXIII, Recreation 1 (REC-1)</b> Amend Sec. 23.05 (D), Required Conditions, Off-Street Parking Amend Sec. 23.06 (E), Area and Bulk Requirements <b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.06 (F), Area and Bulk Requirements <b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.00, REC-1 and REC-2, by changing floor area to lot coverage
78-8	Text Amendment	1/7/1985	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, "Family" (continued)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-8 (continued)	Text Amendment	1/7/1985	N/A	N/A	<b>ARTICLE XVII, Limited Industrial 2 (LI-2)</b> Amend Sec. 17.05 (D), Required Conditions, Off-Street Parking Delete Paragraph 2, and renumber remaining paragraphs <b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.04 (B), Parking and Loading Requirements, Off-Street Loading and Unloading, Paragraph (3)(b)(i)
78-9	Text Amendment	1/21/1985	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.01 (C)(3), Nonconformities, Lots Amend Sec. 27.01 (D)(2), Nonconformities, Uses of Structures <b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.04 (C)(1), Appeals, Appeal Procedures <b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.05 (B), Amendments to Zoning Ordinance, Application for Amendment
78-10	Zoning Map	3/4/1985	Charter Twp. of Orion	09-35-200-015	Rezone from OP-2 to OP-1, 1.03 acres (Fire Station No. 2) <i>south side of Silverbell Rd., east of Lapeer Rd. (M-24)</i>
78-11	Zoning Map	3/18/1985	Taube/Pine Tree Lighting	09-14-251-014 09-14-251-011 09-14-400-001 09-14-400-002	Rezone from GB-2 to RB-2, parts of Lots 8 and 9, Reo Little Farms Rezone from GB-2 to RB-2, Lot 10, Reo Little Farms Rezone from GB-2 to RB-2, Lot 11, Reo Little Farms Rezone from OP-1 to RB-2, Lot 12, Reo Little Farms <i>east side of Lapeer Rd. (M-24), south of Clarkston Rd., north of Casemer Rd.</i>
78-12	Zoning Map	5/20/1985	Percy Marsa	09-02-126-006 (Part of)	Rezone from R-1 to OP-1, 1.13 acres <i>west side of Lapeer Rd. (M-24), north of Indianwood Rd.</i>
78-13	Text Amendment	5/20/1985	N/A	N/A	<b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.01 (B), Principal Uses Permitted Amend Sec. 14.02 (C), Accessory Uses Permitted Amend Sec. 14.03 (B) and (L), Uses Not Permitted
78-14	Zoning Map	8/5/1985	Randy Olsen for Elaine LaGest	09-06-226-027 09-06-226-030 09-06-226-031 09-06-226-032 09-06-226-022	Rezone all parcels from SF to R-1: <i>505 Coats Rd.</i> <i>"</i> <i>557 Coats Rd.</i> <i>"</i> <i>585 Coats Rd.</i>

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78-15	Text Amendment	8/5/1985	N/A	N/A	<b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.01 (K ) and ( L ), Principal Uses Permitted <b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.02 (B)(1), Accessory Uses Permitted Amend Sec. 24.03, Special Land Uses, delete (H) and ( I ) Amend Sec. 24.04, Accessory Special Land Uses Renumber Sec. 24.04 through 24.06 <b>ARTICLE XXX, Administrative Standards and Procedures</b> Amend Sec. 30.05 (H), Amendments to the Zoning Ordinance
78-16	Zoning Map	10/21/1985	Marlene Taube	09-14-400-003	Rezone from OP-1 to RB-2, Lot 13, Reo Little Farms <i>east side of Lapeer Rd. (M-24), north of Casemer Rd.</i>
78-17	Text Amendment	11/4/1985	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.04 (A)(2)(a), Off-Street Parking, General Requirements, Location Amend Sec. 27.04 (A)(3)(d), Lighting Amend Sec. 27.05 (A)(3)(a), General Landscaping, i-iv Amend Sec. 27.05 (A)(3)(b), Greenbelt Buffer, iii Amend Sec. 27.05 (A)(3)(c), Berms, i, iii, iv Amend Sec. 27.05 (A)(3)(d), Parking Lot Landscaping (new section), i -v, and renumber 27.05 (A)(3)(e) and (f) Amend Sec. 27.05 (A)(6)(b), Preservation of Existing Plant Material <b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.02 (E)(2)(b), Application Data
78-18	Text Amendment	11/18/1985	N/A	N/A	<b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sec. 7.05, (H) (1), Public Road Access <b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.02, (A) (7) and ( 8)(a)( b ), Accessory Structures and Uses
78-19	Zoning Map	1/6/1986	Gerald Ohngren	09-35-300-006	Rezone from LI-1 to IP, 21.41 acres of vacant land <i>west side of Lapeer Rd. (M-24), north of Brown Rd.</i>
78-20	Zoning Map	1/6/1986	Fred and Delores Miracle	09-31-301-013	Rezone from SF to R-1, 0.54 acre of a 10.60 acre vacant parcel <i>east side of Rohr Rd., north side of Morgan Rd.</i>
78-21	Zoning Map	1/6/1986	Wayne Figurski Jack Weber	09-27-301-024 09-27-400-009	Rezone from IP to LI-1 <i>northwest corner of Silverbell Rd. and Giddings Rd.</i> (continued)

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78-21 (continued)	Zoning Map	1/6/1986	Donald Scott J & R Properties Frederick Schaengle Applied Resources Grand Trunk Railroad Grand Trunk Railroad Grand Trunk Railroad Violet Porritt Joyce Ferguson	09-27-301-042 09-27-301-027 09-27-301-023 09-27-301-033 09-27-301-034 09-27-301-035 09-27-301-036 09-27-400-003 09-27-400-002	Rezone from IP to LI-2
78-22	Text Amendment	1/6/1986	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.01 (B)(6)(c), by deleting the word "study" and thereby removing the referral to study meetings Amend Sec. 30.02 (C)(7)(b), by deleting the word "study" and thereby removing the referral to study meetings Amend Sec. 30.04 (C)(2), by removing the reference to notification within 300 ft. and substituting new language
78-23	Text Amendment	1/21/1986	N/A	N/A	<b>ARTICLE IV, Suburban Farms (SF)</b> Amend Sec. 4.03, Special Land Uses <b>ARTICLE V, Suburban Estates (SE)</b> Amend Sec. 5.03, Special Land Uses AMEND Paragraphs (D)(2) and (E)(2) of these sections (PC waiver): <b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sec. 7.05, Required Conditions <b>ARTICLE VIII, Mobile Home Park (MHP)</b> Amend Sec. 8.04, Required Conditions <b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.05, Required Conditions <b>ARTICLE X, Office &amp; Professional 2 (OP-2)</b> Amend Sec. 10.05, Required Conditions <b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.04, Required Conditions <b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.04, Required Conditions <b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec. 13.05, Required Conditions <b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.04, Required Conditions (continued)



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78-23 (continued)	Text Amendment	1/21/1986	N/A	N/A	<b>ARTICLE XV, General Business 2 (GB-2)</b> Amend Sec. 15.04, Required Conditions <b>ARTICLE XVI, Limited Industrial 1 (LI-1)</b> Amend Sec. 16.04, Required Conditions <b>ARTICLE XVII, Limited Industrial 2 (LI-2)</b> Amend Sec. 17.05, Required Conditions <b>ARTICLE XVIII, Industrial Park (IP)</b> Amend Sec. 18.04, Required Conditions <b>ARTICLE XIX, Industrial Complex (IC)</b> Amend Sec. 19.03, Required Conditions <b>ARTICLE XX, Railroad Freight Yard (RFY)</b> Amend Sec. 20.04, Required Conditions <b>ARTICLE XXI, Special Purpose 1 (SP-1)</b> Amend Sec. 21.04, Required Conditions <b>ARTICLE XXII, Special Purpose 2 (SP-2)</b> Amend Sec. 22.04, Required Conditions <b>ARTICLE XXIII, Recreation 1 (REC-1)</b> Amend Sec. 23.05, Required Conditions <b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.05, Required Conditions <b>ARTICLE XXV, Parking (P)</b> Amend Sec. 25.04, Required Conditions
78-24	Zoning Map	2/3/1986	David Bilicki	09-29-101-011	Rezone from SE to RM-1, 6.541 acres of vacant land <i>northwest corner of Baldwin and Maybee Rds.</i>
78-25	Text Amendment	2/3/1986	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.04 (B)(3)(b), Loading and Unloading, in the following districts: Office & Professional 1 (OP-1) Office & Professional 2 (OP-2) Restricted Business 1 (RB-1) Restricted Business 2 (RB-2) Comparison Business (CB) General Business 1 (GB-1) General Business 2 (GB-2) Special Purpose 1 (SP-1) Special Purpose 2 (SP-2) Recreation 1 (REC-1) Recreation 2 (REC-2)

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78-26	Text Amendment	4/7/1986	N/A	N/A	<p><b>ARTICLE XXX, Administrative Procedures and Standards</b> Add Sec. 30.13, Planned Unit Development (PUD)</p> <p><b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions</p> <p><b>ARTICLE IV, Suburban Farms (SF)</b> Amend Sec. 4.01, Principal Uses Permitted</p> <p><b>ARTICLE V, Suburban Estates (SE)</b> Amend Sec. 5.01, Principal Uses Permitted</p> <p><b>ARTICLE VI, Single Family Residential (R-1, R-2 &amp; R-3)</b> Amend Sec. 6.01, Principal Uses Permitted</p> <p><b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sec. 7.01, Principal Uses Permitted</p> <p><b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.01, Principal Uses Permitted</p> <p><b>ARTICLE X, Office &amp; Professional 2 (OP-2)</b> Amend Sec. 10.01, Principal Uses Permitted</p> <p><b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.01, Principal Uses Permitted</p> <p><b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.01, Principal Uses Permitted</p> <p><b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec. 13.01, Principal Uses Permitted</p> <p><b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.01, Principal Uses Permitted</p> <p><b>ARTICLE XV, General Business 2 (GB-2)</b> Amend Sec. 15.01, Principal Uses Permitted</p> <p><b>ARTICLE XVI, Limited Industrial 1 (LI-1)</b> Amend Sec. 16.01, Principal Uses Permitted</p> <p><b>ARTICLE XVII, Limited Industrial 2 (LI-2)</b> Amend Sec. 17.01, Principal Uses Permitted</p> <p><b>ARTICLE XVIII, Industrial Park (IP)</b> Amend Sec. 18.01, Principal Uses Permitted</p> <p><b>ARTICLE XXIII, Recreation 1 (REC-1)</b> Amend Sec. 23.01, Principal Uses Permitted</p> <p>(continued)</p>

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78-26 (continued)	Text Amendment	4/7/1986	N/A	N/A	<b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.01, Principal Uses Permitted <b>ARTICLE XXIX, Administrative Organization</b> Amend Sec. 29.02, Township Planning Commission, Jurisdiction
78-27	Zoning Map	4/7/1986	Rick Henry and Dan Stencil	09-14-100-029	Rezone from RB-2 to GB-1, 1.83 acres of a 4.74 acre vacant parcel west side of Lapeer Rd. (M-24), south of Clarkston Rd., and north of Casemer Rd.
78-28	Zoning Map	6/16/1986	Gerald and Beverly Ohngren	09-35-300-023 09-35-300-006 09-35-300-006	Rezone from LI-2 to LI-1, 0.84 acre 2445 Brown Road Rezone from IP to LI-1, 5.58 acres of a 21.41 acre vacant parcel west side of Lapeer Rd. (M-24), north of Brown Rd. Rezone from IP to LI-2, 15.83 acres of a 21.41 acre vacant parcel west side of Lapeer Rd. (M-24), north of Brown Rd.
78-29	Zoning Map	9/2/1986	Richard Welty	09-14-300-037	Rezone from SE to R-2, 0.75 acre of a 3.93 acre parcel 319 Casemer Rd.
78-30	Zoning Map	12/1/1986	Orion-Oxford Fraternal Order of Eagles #3613	09-14-100-009	Rezone from R-1 to OP-1, 2.00 acres 317 W. Clarkston Rd.
78-31	Zoning Map	12/1/1986	Chief Pontiac Federal Credit Union	09-34-300-003 09-34-300-004	Rezone from IP to OP-1, two (2) parcels consisting of 1.25 acres on Brown Road
78-32	Zoning Map	1/5/1987	Daniel Fons, Silver Bell Village, Inc.	09-36-100-003	Rezone from SF to R-1, 46.24 acres east of Bald Mountain Rd., south of Silverbell Rd.
78-33	Text Amendment	1/5/1987	N/A	N/A	<b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.01 (D) and (E), Principal Uses Permitted <b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.01 (I), (J), (K), (L), (M), (N), Principal Uses Permitted <b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.03 (F), (J), (K), Uses Not Permitted <b>ARTICLE IV, Suburban Farms (SF)</b> Amend Sec. 4.06, Safety Pathways, and renumber Sec. 4.06, Area and Bulk Requirements, as Sec. 4.07 <b>ARTICLE V, Suburban Estates (SE)</b> Amend Sec. 5.06, Safety Pathways, and renumber Sec. 5.06, Area and Bulk Requirements, as Sec. 5.07 (continued)

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78-33 (continued)	Text Amendment	1/5/1987	N/A	N/A	<p><b>ARTICLE VI, Single Family Residential (R-1, R-2 &amp; R-3)</b> Amend Sec. 6.06, Safety Pathways, and renumber Sec. 6.06, Area and Bulk Requirements, as Sec. 6.07</p> <p><b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sec. 7.05, Required Conditions</p> <p><b>ARTICLE VIII, Mobile Home Park (MHP)</b> Amend Sec. 8.04, Required Conditions</p> <p><b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.05, Required Conditions</p> <p><b>ARTICLE X, Office &amp; Professional 2 (OP-2)</b> Amend Sec. 10.05, Required Conditions</p> <p><b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.04, Required Conditions</p> <p><b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.04, Required Conditions</p> <p><b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec. 13.05, Required Conditions</p> <p><b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.05, Required Conditions</p> <p><b>ARTICLE XV, General Business 2 (GB-2)</b> Amend Sec. 15.05, Required Conditions</p> <p><b>ARTICLE XVI, Limited Industrial 1 (LI-1)</b> Amend Sec. 16.04, Required Conditions</p> <p><b>ARTICLE XVII, Limited Industrial 2 (LI-2)</b> Amend Sec. 17.05, Required Conditions</p> <p><b>ARTICLE XVIII, Industrial Park (IP)</b> Amend Sec. 18.04, Required Conditions</p> <p><b>ARTICLE XIX, Industrial Complex (IC)</b> Amend Sec. 19.03, Required Conditions</p> <p><b>ARTICLE XX, Railroad Freight Yard (RFY)</b> Amend Sec. 20.04, Required Conditions</p> <p><b>ARTICLE XXI, Special Purpose 1 (SP-1)</b> Amend Sec. 21.04, Required Conditions</p> <p><b>ARTICLE XXII, Special Purpose 2 (SP-2)</b> Amend Sec. 22.04, Required Conditions</p>

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78-33 (continued)	Text Amendment	1/5/1987	N/A	N/A	<b>ARTICLE XXIII, Recreation 1 (REC-1)</b> Amend Sec. 23.05, Required Conditions <b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.06, Required Conditions <b>ARTICLE XXV, Parking (P)</b> Amend Sec. 25.04, Required Conditions <b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.06 (E), Required Conditions, add Safety Pathways
78-34	Zoning Map	4/6/1987	Anthony Battaglia	09-26-151-018	Rezone from R-2 to OP-2, 10.35 acres <i>southwest corner of Lapeer Rd. (M-24) and Waldon Rd.</i>
78-35	Zoning Map	5/5/1987	Christ the Redeemer Church	09-29-326-023	Rezone from RB-2 to R-1, vacant parcel, 102' x 235' in size
78-36	Zoning Map	5/5/1987	State Investment Co., Joe Guinn	09-33-378-006	Rezone from LI-1 to IP, 22.16 acres <i>northeast corner of Brown Rd. and Joslyn Rd.</i>
78-37	Text Amendment	6/15/1987	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.03 (C)(3), by adding Subparagraph (b)
78-38	Text Amendment	7/6/1987	N/A	N/A	<b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.01 (B), Principal Uses Permitted Amend Sec. 14.02 (D), Accessory Uses Permitted Amend Sec. 14.03 (L), Uses Not Permitted
78-39	Text Amendment	7/6/1987	N/A	N/A	<b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.04 (D)(2), Required Conditions, Off-Street Parking Amend Sec. 14.04 (E)(2), Required Conditions, Landscaping
78-40	Zoning Map	8/3/1987	Gordon Birgbauer	09-32-126-031	Rezone from RB-2 and R-1 to GB-2, Lot No. 9 of Supervisor's Plat No. 2 <i>4049 Baldwin Rd.</i> <i>south of Gregory Rd., north of Judah Rd.</i>
78-41	Zoning Map	9/21/1987	Reed Dunn III	09-29-326-012	Rezone from OP-1 to RB-2, vacant parcel <i>east side of Baldwin Rd., south of Maybee Rd.</i>
78-42	Text Amendment	10/5/1987	N/A	N/A	<b>ARTICLE XXIX, Administrative Organization</b> Amend Sec. 29.03 (B), Zoning Board of Appeals, Membership by adding a paragraph to Subsection (3), re: Alternate Members
78-43	Zoning Map	11/2/1987	Andrew Opaleski	09-33-376-021 09-33-351-028	Rezone from LI-1 to LI-2 <i>4788 Joslyn Rd.</i> <i>4800 Joslyn Rd.</i>

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78-44	Zoning Map	11/2/1987	Orion Mall Associates	09-14-400-004	Rezone from OP-1 to RB-2 <i>1499 S. Lapeer Rd.</i>
78-45	Zoning Map	12/21/1987	Daniel Millward	09-23-402-006 09-23-402-007	Rezone from OP-1 to RB-2 <i>east side of Lapeer Rd. (M-24), north of Greenshield Rd.</i>
78-46	Zoning Map	12/21/1987	Pearl Vermette	09-29-301-004	Rezone from R-2 to OP-1 <i>southwest quadrant of Baldwin Rd. at Maybee Rd.</i>
78-47	Zoning Map	2/1/1988	John Goetz, Jr.	09-29-101-017	Rezone from SF to R-2, 9.30 acre vacant parcel <i>south side of Waldon Rd., west of Baldwin Rd.</i>
78-48	Text Amendment	8/29/1988	N/A	N/A	<b>ARTICLE XXI, Special Purpose 1 (SP-1)</b> Amend Sec. 21.00 (E), Preamble <b>ARTICLE XXI, Special Purpose 1 (SP-1)</b> Amend Sec. 21.01 (C), Special Land Uses <b>ARTICLE XXII, Special Purpose 2 (SP-2)</b> Amend Sec. 22.01 (G), Special Land Uses
78-49	Zoning Map	9/19/1988	Donna Davis-Daisley	09-32-126-017	Rezone from RB-1 to OP-1, 1.00 acre, westerly 400 ft. of parcel <i>east of Baldwin Rd., north of Judah Rd.</i>
78-50	Zoning Map	9/19/1988	Basim Binno	09-11-476-013	Rezone from GB-1 to RB-2, 2.69 acres <i>west side of Lapeer Rd. (M-24), immediately north of Buckhorn Lake (Parcel B)</i>
78-51	Zoning Map	12/19/1988	Action Auto Stores, Inc.	09-26-452-001	Rezone from RB-2 to GB-1, 2.09 acres <i>east side of Lapeer Rd. (M-24) southeast corner of Lapeer Rd. (M-24) and Morgan Hill Rd.</i>
78-52	Zoning Map	4/3/1989	Westin Development	09-14-201-010 09-14-201-011 09-14-201-012	Rezone from GB-2 to RB-2 <i>Lots 16, 17 and 19 of Supervisor's Plat No. 13 west side of Lapeer Rd. (M-24), south of Clarkston Rd.</i>
78-53	Zoning Map	3/6/1989	Payne and Mildred Downey	09-11-476-017	Rezone from GB-1 to RB-2, 1.11 acres <i>780 S. Lapeer Rd. west side of Lapeer Rd. (M-24), north of Clarkston Rd.</i>
78-54	Text Amendment	6/5/1989	N/A	N/A	<b>ARTICLE XVI, Limited Industrial 1 (LI-1)</b> Amend Sec. 16.04 (D)(2), Off-Street Parking and (E)(2), Landscaping <b>ARTICLE XVII, Limited Industrial 2 (LI-2)</b> Amend Sec. 17.05 (D)(2), Off-Street Parking and (E)(2), Landscaping <b>ARTICLE XVIII, Industrial Park (IP)</b> Amend Sec. 18.04 (D)(2), Off-Street Parking and (E)(2), Landscaping

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78-55	Zoning Map	8/21/1989	Ramesh K. Jajoo	09-33-326-005	Rezone from R-1 to GB-1 <i>4520 Joslyn Road, with 135 feet of frontage on Joslyn and an average depth of 110 feet, containing .47 acre of land</i>
78-56	Zoning Map	8/21/1989	Robert Warrington	09-14-251-005 09-14-251-006	Rezone from RB-2 to GB-1 <i>parts of Lots 4 and 5, Reo Little Farms Subdivision east side of Lapeer Rd. (M-24), north of Casemer Rd.</i>
78-57A	Text Amendment	9/5/1989	N/A	N/A	<b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.05 (D)(3), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE X, Office &amp; Professional 2 (OP-2)</b> Amend Sec. 10.05 (D)(3), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.04 (D)(2), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.04 (D)(3), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec. 13.05 (D)(2), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE XV, General Business 2 (GB-2)</b> Amend Sec. 15.05 (D)(2), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE XXIII, Recreation 1 (REC-1)</b> Amend Sec. 23.05 (D)(3), Off-Street Parking, and (E)(2), Landscaping <b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.06 (D)(2), Off-Street Parking, and (E)(5), Landscaping
78-57B	Zoning Map	12/4/1989	Alden William Haydel	09-09-201-005	Rezone from SE to R-1, 6.00 acres <i>north of Bosco Estates, on west side of Joslyn Rd.</i>
78-58	Text Amendment	12/4/1989	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Delete Sec. 30.06 (F), Permit Not Required, and reletter (G), Temporary Use Permits, as (F)
78-59	Zoning Map	1/16/1990	G. Elliott	09-33-326-007	Rezone from R-1 to LI-2, 1.23 acres <i>4560 Joslyn Rd., west side, north of Brown Rd. and south of Judah Rd.</i>
78-60	Zoning Map	3/5/1990	G. Elliott	09-33-326-016	Rezone from R-1 to LI-2, 2.79 acres <i>4738 Joslyn Rd., west side, north of Brown Rd. and south of Judah Rd.</i>
78-61	Text Amendment	4/16/1990	N/A	N/A	<b>ARTICLE III, Zoning Districts and Map</b> Amend Sec. 3.00, Zoning Districts Established <b>ARTICLE IV, Suburban Farms (SF)</b> Delete Article IV

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-61 (continued)	Text Amendment	4/16/1990	N/A	N/A	<b>ARTICLE V, Single Family Residential (SF, SE &amp; SR)</b> Amend Sec. 5.00 (to include provisions for Suburban Farms, Suburban Estates, and Suburban Ranch Zoning Districts) <b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.00 and Sec. 26.01 (C)
78-62	Zoning Map	5/21/1990	Wineman Investment Co.	09-23-200-001 09-23-200-002	Rezone from RM-1 to R-1, 5.096 acres <i>east side of Lapeer Rd. (M-24), south of Scripps Rd.</i>
78-63	Zoning Map	5/21/1990	Wineman Investment Co.	09-23-201-002	Rezone from R-1 to RM-1, 14.16 acres <i>east side of Lapeer Rd. (M-24), south of Scripps Rd.</i>
78-64	Text Amendment	7/16/1990	N/A	N/A	<b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.01 (M), Principal Uses Permitted Amend Sec. 12.03 (A), Uses Not Permitted
78-65	Zoning Map	7/16/1990	Robert Warrington	09-14-251-005 09-14-251-006	Rezone from GB-1 to RB-2 <i>1429 S. Lapeer Rd., part of Reo Little Farms east side of Lapeer Rd. (M-24), north of Casemer Rd.</i>
78-66	Text Amendment	8/6/1990	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.01, Nonconformities, by replacing the entire section with new wording
78-67	Text Amendment	9/17/1990	N/A	N/A	<b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.02 and 11.05 <b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec. 12.02 <b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec. 13.02 <b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec. 14.01, 14.02, 14.03, 14.04, 14.05, 14.06 <b>ARTICLE XV, General Business 2 (GB-2)</b> Amend Sec. 15.02, 15.03, 15.04, 15.05, 15.06
78-68	Zoning Map	11/19/1990	Keatington Racquetball Club	09-28-251-007	Rezone from REC-1 to OP-1, 2.23 acres <i>1755 Waldon Rd. south side of Waldon Rd., west of Giddings Rd.</i>
78-69	Zoning Map	2/19/1991	Douglas Keating	09-29-101-023	Rezone from SE to R-2, 1.50 acres <i>south side of Waldon Rd., west of Baldwin Rd.</i>
78-70	Zoning Map	2/19/1991	Joe Ciaramitaro	09-32-351-005	Rezone from GB-1 to GB-2, 1.77 acres <i>4960 S. Baldwin Rd. west side of Baldwin Rd., north of I-75</i>



Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-71	Zoning Map	6/17/1991	Concord Tool	09-33-326-006	Rezone from R-1 to P, 0.64 acre 4662 Joslyn Rd. west side of Joslyn Rd., south of Judah Rd.
78-72	Zoning Map	9/16/1991	Charter Twp. of Orion	09-01-101-004 09-01-101-005 09-01-101-006 09-01-101-007 09-01-101-008 09-01-101-009 09-01-101-010 09-01-101-011 09-01-101-012 09-01-101-015 09-01-101-016 09-01-101-017 09-01-101-019 09-01-101-020 09-01-101-021 09-01-151-002	Rezone from R-1 to SR land located north of Long Lake, south of Indian Lake Rd., between Long Lake Woods and Bunny Run Country Club Annex No. 4
78-73	Zoning Map	10/21/1991	Golling-Pontiac, GMC Truck, Inc.	09-14-400-001 09-14-400-002 09-14-400-003 09-14-400-004	Rezone from RB-2 to GB-2, 5.87 acres east side of Lapeer Rd. (M-24), south of Pine Tree Lighting
78-74	Zoning Map	10/21/1991	Charter Twp. of Orion	09-01-151-003 09-02-276-002	Rezone from REC-2 to SR, 129.29 acres east of Lapeer Rd. (M-24), south of Long Lake, north of Elizabeth St.
78-75	Zoning Map	11/4/1991	Daniel and Alice Fons	09-36-300-001	Rezone from IP to SF, 38.00 acres east side of Bald Mountain Rd., south of Silverbell Rd.
78-76	Text Amendment	3/16/1992	N/A	N/A	<b>ARTICLE II, Zoning Districts and Map</b> Amend Sec. 2.01 <b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sections 7.01, 7.03, and 7.06
78-77	Zoning Map	4/6/1992	Joseph Kowalczyk	09-35-200-017	Rezone from LI-2 to IP, 4.03 acres east side of S. Lapeer Rd. (M-24), north of Kay Industrial Dr. and south of Silverbell Rd.

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-78	Text Amendment	5/4/1992	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.13, Planned Unit Development (PUD)
78-79	Zoning Map	6/15/1992	Dr. Steven Hartz	09-02-276-003 (Part of)	Rezone from GB-1 to OP-1, 48,000 sq. ft. <i>Lapeer Rd. (M-24), just south of Lakeview Inn, north of Indianwood Rd.</i>
78-80	Text Amendment	8/31/1992	N/A	N/A	<b>ARTICLE VI, Multiple Family Residential (RM-1 &amp; RM-2)</b> Delete Sec. 6.10 and 6.11 <b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.02 (B)(5), Site Plan Review Procedures and Standards, to delete wording "or Section 6.10 (Cluster Housing Option)" <b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.00, Schedule of Regulations, to delete Single Family Residential Districts, Cluster Option
78-81	Zoning Map	11/9/1992	3DM Corporation	09-26-300-035 (Part of)	Rezone from OP-2 to GB-2, vacant parcel <i>west side of Lapeer Rd. (M-24), 300' north of Silverbell Rd.</i>
78-82	Zoning Map	1/4/1993	Amoco Oil Company	09-32-351-002 (Part of)	Rezone from CB to GB-1, 1.44 acres <i>west side of Baldwin Rd., north of I-75</i>
78-83	Zoning Map	4/19/1993	Tom Bosco	09-09-176-015	Rezone from SE to SR, 35.00 acres <i>north of Newman Rd., west of Joslyn Rd. and Bosco Dr.</i>
78-84	Zoning Map	6/7/1993	Michigan National Bank	09-14-226-012	Rezone from GB-2 to RB-2, 1.27 acres <i>east side of Lapeer Rd. (M-24), south of Clarkston Rd.</i>
78-85	Text Amendment	7/19/1993	N/A	N/A	<b>ARTICLE XXIV, Recreation 2 (REC-2)</b> Amend Sec. 24.04, Accessory Special Land Uses, add Subsection C
78-86	Zoning Map	9/7/1993	Paint Creek Group	09-04-151-001 (Part of)	Rezone from REC-2 to R-2, 0.20 acre <i>south of Stanton Rd. and west of Newman Rd.</i>
78-87	Text Amendment	9/7/1993	N/A	N/A	<b>ARTICLE IX, Office &amp; Professional 1 (OP-1)</b> Amend Sec. 9.05, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping <b>ARTICLE X, Office &amp; Professional 2 (OP-2)</b> Amend Sec. 10.05, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping <b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping (continued)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-87 (continued)	Text Amendment	9/7/1993	N/A	N/A	<p><b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Amend Sec.12.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XIII, Comparison Business (CB)</b> Amend Sec.13.05, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XIV, General Business 1 (GB-1)</b> Amend Sec.14.05, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XV, General Business 2 (GB-2)</b> Amend Sec.15.05, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XVI, Limited Industrial 1 (LI-1)</b> Amend Sec.16.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XVII, Limited Industrial 2 (LI-2)</b> Amend Sec.17.05, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XVIII, Industrial Park (IP)</b> Amend Sec.18.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XIX, Industrial Complex (IC)</b> Amend Sec.19.03, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XX, Railroad Freight Yard (RFY)</b> Amend Sec.20.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XXI, Special Purposes 1 (SP-1)</b> Amend Sec.21.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XXII, Special Purposes 2 (SP-2)</b> Amend Sec.22.04, Required Conditions, Subsections (D), Off-Street Parking and (E), Landscaping</p> <p><b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.05 (A)(3)(d), Landscaping, Fences, and Walls</p>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-88	Zoning Map	10/18/1993	Faith Evangelical Presbyterian Church	09-35-200-010 09-35-200-012	Rezone from LI-2 and IP to OP-2, 36.82 acres <i>south of Silverbell Rd., west of Bald Mountain Rd. and east of Lapeer Rd. (M-24)</i>
78-89	Text Amendment	2/7/1994	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, add "Day Care Home, Family" and "Day Care Home, Group" <b>ARTICLE V, Single Family Residential (SF, SE &amp; SR)</b> Amend Sec. 5.02, Accessory Uses Permitted, add Subsections (J) and (K) Amend Sec. 5.03, Special Land Uses, add Subsection (G) Amend Sec. 5.12, Accessory Uses Permitted, add Subsections (I) and (J) Amend Sec. 5.13, Special Land Uses, add Subsection (G) Amend Sec. 5.22, Accessory Uses Permitted, add Subsections (I) and (J) Amend Sec. 5.23, Special Land Uses, add Subsection (G) <b>ARTICLE VI - Single Family Residential (R-1, R-2 &amp; R-3)</b> Amend Sec. 6.02, Accessory Uses Permitted, add Subsections (E) and (F) Amend 6.03, Special Land Uses, add Subsection (J)
78-90	Zoning Map	5/16/1994	The Nelson Companies, Inc.	09-14-300-042	Rezone from SE to RM-1, 9.94 acres <i>west side of Lapeer Rd. (M-24), south of Casemer Rd.</i>
78-91	Text Amendment	5/16/1994	N/A	N/A	<b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sec. 7.01 (A) and (B), Principal Uses Permitted Amend Sec. 7.03 (E)(3), Special Land Uses (a), (b), (c), Dependent Housing Amend Sec. 7.05 (F), (H), (J), (K), Required Conditions Amend Sec. 7.05 (M) (3), Recreation Open Spaces Amend Sec. 7.06 (A-G), Area and Bulk Requirements <b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.00, Schedule of Regulations Amend Sec. 26.01 (K) and (L), Footnotes to Schedule of Regulations
78-92-A	Text Amendment	8/15/1994	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.09, Violation and Penalties, provides that a violation is a municipal civil infraction and provides remedies for violations, including imposition of a lien against real property

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-92-B	Zoning Map	12/19/1994	Ronald Leonard	09-29-326-035	Rezone from R-1 to GB-2, 1.60 acres, Lots 4, 5, Supervisor's Plat No. 2 <i>3911 S. Baldwin Rd. east side of Baldwin Rd., north of Gregory Rd.</i>
78-93	Zoning Map	1/17/1995	Richard Pawlowski	09-23-402-024	Rezone from GB-2 to GB-1 <i>2775 S. Lapeer Rd. northeast corner of Lapeer Rd (M-24) and Greenshield Rd.</i>
78-94	Text Amendment	2/21/1995	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Add Sec. 27.06 (C), Acceleration/Deceleration/Passing Lanes
78-95	Text Amendment	2/21/1995	N/A	N/A	<b>ARTICLE V, Single Family Residential (SF, SE &amp; SR)</b> Amend Sec. 5.17, Area and Bulk Requirements, SE District <b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.00, Area and Bulk Requirements, SE District
78-96	Zoning Map	3/20/1995	JFK Investment Co.	09-14-251-002 09-14-251-003	Rezone from OP-1 to RB-2, 6.02 acres <i>east side of Lapeer Rd. (M-24), just south of Michigan National Bank</i>
78-97	Text Amendment	8/7/1995	N/A	N/A	<b>ARTICLE V, Single Family Residential, (SF, SE &amp; SR)</b> Amend Sec. 5.00, Suburban Farms (SF), Preamble Amend Sec. 5.10, Suburban Estates (SE), Preamble Amend Sec. 5.20, Suburban Ranch (SR), Preamble
78-98	Text Amendment	11/20/1995	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.04 (C) (2)(a) and (b), Parking and Loading Requirements, Open Parking and/or Storage in Residential Districts
78-99	Zoning Map	12/4/1995	Brad and Bruce Jacobsen	09-11-427-004 09-11-427-006 09-11-427-007	Rezone from OP-1 to GB-2 <i>571 S. Lapeer Rd. Lots 1 and 116 and the Ely 60' of Lots 2 and 3 of John Winter Land and Home Subdivision</i>
78-100	Zoning Map	3/4/1996	Richard Skalnek	09-11-477-038 09-11-477-039	Rezone from RB-2 to GB-2 <i>865 S. Lapeer Rd. 883 S. Lapeer Rd. Lots 27 and 28 of John Winter Land and Home Subdivision, east side of Lapeer Rd. (M-24), north of Clarkston Rd.</i>
78-101	Zoning Map	5/20/1996	Kenneth and Geneva Latshaw	09-14-251-008	Rezone from GB-2 to GB-1, 0.53 acre <i>Reo Little Farms east side of Lapeer Rd. (M-24), north of Casemer Rd.</i>
78-102	Text Amendment	5/20/1996	N/A	N/A	<b>ARTICLE XII, Restricted Business 2 (RB-2)</b> Add ARTICLE XII (A), RB-3, Planned Restricted Business Districts

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-103	Text Amendment	6/3/1996	N/A	N/A	<b>ARTICLE XVIII, Industrial Park (IP)</b> Amend Sec. 18.04 (C)(2), to change minimum lot size to 2 acres Amend Sec. 18.05 (E), to change minimum lot size to 2 acres <b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.01 (Q), to change minimum lot size to 2 acres
78-104	Zoning Map	6/17/1996	Kirk Rastigue	09-28-377-012	Rezone from RB-2 to GB-1 1.27 acres <i>Lots 102 and 103, Dawson Woods Subdivision No. 1 west side of Joslyn Rd., just south of Hammerslea Rd.</i>
78-105	Zoning Map	7/15/1996	Don Bartus	09-28-251-007	Rezone from OP-1 to LI-1, 2.23 acres <i>south side of Waldon Rd., east of Joslyn Rd. and west of Giddings Rd.</i>
78-106	Zoning Map	9/3/1996	Burton-Katzman Development Co.	09-14-300-041	Rezone from SE to RM-1, 4.59 acres <i>1542 S. Lapeer Rd. west side of Lapeer Rd. (M-24), south of Casemer Rd.</i>
78-107	Zoning Map	9/3/1996	Charter Twp. of Orion	09-07-477-005 09-07-477-006 09-07-477-009 09-07-477-010 09-07-477-011 09-07-477-012 09-07-477-013 09-07-477-014 09-07-477-015 09-07-477-016 09-07-477-018 09-07-477-019 09-07-477-020 09-07-477-021 09-07-477-022 09-07-477-028 09-07-477-029 09-07-477-030 09-07-477-031 09-07-477-032	Rezone from RB-2 to RB-3 <i>Lots 1-27 of Clarkston-Orion Commercial Subdivision, and 0.80 acre of northwest corner of Clarkston Rd. and Baldwin Rd., approximately 13.3 acres, commonly known as the Clarkston/Baldwin island</i>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-108	Zoning Map	12/16/1996	Larry Mullins	09-29-326-004 09-29-326-005 09-29-326-006 09-29-326-007 09-29-326-008 09-29-326-009 09-29-326-012 (Parts of)	Rezone from R-1 to RB-2, approximately 8.50 acres <i>east of Baldwin Rd., south of Maybee Rd.</i>
78-109	Text Amendment	2/3/1997	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Delete Paragraph 27.03 (C)(3)(b) Add new Paragraph 27.03 (C)(3)(b), Projections into Required Yards, In Rear Yards - Decks
78-110	Text Amendment	4/7/1997	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, change definition of "Setback"
78-111	Zoning Map	4/21/1997	G.S. Yurk Master Builders	09-35-200-002	Rezone from OP-2 to OP-1, 0.80 acre <i>east side of Lapeer Rd. (M-24), south of Silverbell Rd.</i>
78-112	Zoning Map	4/21/1997	Wade Sullivan and Jeffrey Mallmann	09-02-276-003	Rezone from GB-1 to OP-1 <i>(a narrow strip of the parcel, so that the zoning line will coincide with the proposed property split line) east side of Lapeer Rd. (M-24), north of Indianwood Rd.</i>
78-113	Text Amendment	5/19/1997	N/A	N/A	<b>ARTICLE XVIII, General Exceptions</b> Amend Sec. 18.04 (E)(2) and (E)(4), Required Conditions, IP Amend Sec. 18.05 (C), Area and Bulk Requirements, IP <b>ARTICLE XXVI, General Provisions</b> Amend Sec. 26.00, Schedule of Regulations, IP
78-114	Text Amendment	5/19/1997	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.05 (B) and (F), Requirements for Rezoning Applications
78-115	Text Amendment	8/4/1997	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, "Parcel"
78-116	Text Amendment	8/4/1997	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.02 (C), Temporary Structures Amend Sec. 27.10, Temporary Sales Offices in Residential Districts

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-117	Text Amendment	8/18/1997	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, for Personal Wireless Service (PWS) Facilities <b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.07, for Personal Wireless Service (PWS) Facilities <b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.01, for Personal Wireless Service (PWS) Facilities
78-118	Zoning Map	11/3/1997	3DM Corporation	09-11-429-018	Rezone from GB-1 to GB-2 <i>Lots 7, 8, and 9 of John Winter Land and Home Subdivision northeast corner of Lapeer Rd. (M-24) and Summer Ave.</i>
78-119	Zoning Map	1/5/1998	Charter Twp. of Orion	09-29-401-002 09-29-401-003	Rezone from R-1 to REC-2, 38.07 acres <i>south side of Maybee Rd., east of Baldwin Rd.</i>
78-120	Zoning Map	2/17/1998	G.S. Yurk Master Builders	09-35-200-003	Rezone from OP-2 to OP-1, 0.20 acre <i>east side of Lapeer Rd. (M-24), south of Silverbell Rd.</i>
78-121	Text Amendment	2/17/1998	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.07, for Personal Wireless Service (PWS) Facilities
78-122	Zoning Map	4/6/1998	Baldwin and Maybee Associates, Ltd.	09-29-326-033 09-29-326-004 09-29-326-005 09-29-326-008 09-29-326-009 09-29-326-012	Rezone from OP-1 and RB-2 to R-1, 7.20 acres <i>a portion of the property in Sections 29 and 32 south of Maybee Rd., east of Baldwin Rd.</i>
78-123	Zoning Map	5/4/1998	Gerald Prieskorn	09-25-400-025 (Part of)	Rezone from REC-2 to SR, 2.20 acres (2 lots) <i>west side of Kern Rd. and part of Bald Mountain Golf Course</i>
78-124	Zoning Map	7/20/1998	Charter Twp. of Orion	09-11-426-027  09-11-426-022	Rezone from RB-2 to REC-2 <i>Lots 12 and 13 of Supervisor's Plat No. 1 16,000 sq. ft. commonly known as the Orion War Memorial site at northwest corner of Lapeer Rd. (M-24) and Odanah Rd.</i>
78-125	Text Amendment	7/20/1998	N/A	N/A	<b>ARTICLE XI, Restricted Business 1 (RB-1)</b> Amend Sec. 11.04 (D)(2) and (E)(2), Sideyard Setback for Parking and Greenbelt
78-126	Text Amendment	7/20/1998	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, by adding a definition for "Lot, Zoning"



Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-127	Zoning Map	8/31/1998	Joe Guinn	09-16-227-001	Rezone from RB-1 to OP-1, 0.30 acre <i>1725 W. Clarkston Rd. southeast corner of W. Clarkston Rd. and Rhodes Rd.</i>
78-128	Text Amendment	9/21/1998	N/A	N/A	<p><b>ARTICLE V, Single Family Residential (SF, SE &amp; SR)</b> Add Sec. 5.08, 5.18, 5.28, and add new language to read: "Sign Regulation: All signs shall comply with the standards set forth in the Orion Township Sign Ordinance, Ordinance No. 77."</p> <p><b>ARTICLE VI, Single Family Residential (R-1, R-2 &amp; R-3)</b> Add Sec. 6.08, and add new language to read: "Sign Regulation: All signs shall comply with the standards set forth in the Orion Township Sign Ordinance, Ordinance No. 77."</p> <p><b>ARTICLES VII through XXIV, re: SIGN CONTROLS</b> Delete the following sections, and add new language to each of the same to read: "Sign Regulation: All signs shall comply with the standards set forth in the Orion Twp. Sign Ordinance, Ordinance No. 77." Sec. 7.05 (F), Multiple Family Residential (RM1 &amp; RM-2) Sec. 8.04 (F), Mobile Home Park (MHP) Sec. 9.05 (F), Office &amp; Professional 1 (OP-1) Sec. 10.05 (F), Office &amp; Professional 2 (OP-2) Sec. 11.04 (F), Restricted Business 1 (RB-1) Sec. 12.04 (F), Restricted Business 2 (RB-2) Sec. 13.05 (F), Comparison Business (CB) Sec. 14.05 (F), General Business 1 (GB-1) Sec. 15.05 (F), General Business 2 (GB-2) Sec. 16.04 (F), Limited Industrial 1 (LI-1) Sec. 17.04 (F), Limited Industrial 2 (LI-2) Sec. 18.04 (F), Industrial Park (IP) Sec. 19.03 (F), Industrial Complex (IC) Sec. 20.04 (F), Railroad Freight Yard (RFY) Sec. 21.04 (F), Special Purpose 1 (SP-1) Sec. 22.04 (F), Special Purpose 2 (SP-2) Sec. 23.04 (F), Recreation 1 (R-1) Sec. 24.06 (F), Recreation 2 (R-2)</p>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-129	Zoning Map	10/19/1998	LaHood Properties	09-11-428-001	Rezone from OP-1 to RB-2, 0.46 acre 39 Odanah just west of Lapeer Rd. (M-24)
78-130	Zoning Map	11/2/1998	Robert Bergman	09-32-151-019	Rezone from SF to RM-1, 5.00 acres west side of Baldwin Rd., south of Pasadena
78-131	Zoning Map	1/4/1999	Mike Setto	09-20-106-018	Rezone from R-3 to RB-1, 0.60 acre 2250 S. Baldwin Rd. west side of Baldwin Rd., between Hill Rd. and Mahopac Rd.
78-132	Text Amendment	4/19/1999	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sections 30.01 (B)(6), 30.02 (C)(7) and (D)(5), and 30.13 (D)(2), (E)(2), & (F)(2), with regards to specification of the timing for placing matters on the agenda, by changing "next regularly scheduled meeting" to "next available meeting".
78-133	Text Amendment	5/17/1999	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sections 30.13 (D)(2), (E)(2), (F)(1), (F)(2), (G)(2), and (I) (2), regarding procedures for approval of Planned Unit Developments (PUD).
78-134	Zoning Map	7/19/1999	Jerry Moon	09-10-307-026	Rezone from SE to SR, 8.95 acres south of Heights Rd., west of Pine Tree Rd. on Elkhorn Lake and Square Lake, at the end of Kempster Rd.
78-135	Text Amendment	8/2/1999	N/A	N/A	<b>ARTICLE II, Construction of Language and Definitions</b> Amend Sec. 2.01, Definitions, by adding a definition for "Motor Home" Amend Sec. 2.01, Definitions, by changing the definition for "Dwelling Unit" <b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.02 (C)(1) and 27.04 (C)(2), regarding the open parking of recreational vehicles on parcels of land in the Township
78-136	Text Amendment	2/23/2000	N/A	N/A	<b>ARTICLE VII, Multiple Family Residential (RM-1 &amp; RM-2)</b> Amend Sec. 7.00, Preamble, and Sec. 7.01, Principal Uses Permitted, regarding the types of multiple family dwellings included in the Ordinance and to change the density regulations allowed, if for a single family use
78-137	Text Amendment	3/6/2000	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.06 (F)(1), Temporary Use Permits, Initial Application, and to add Sec. 30.06 (F)(2), Renewal Application

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-138	Text Amendment	4/17/2000	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sections 7.05, 9.05, 10.05, 11.04, 12.04, 12.24, 13.05, 14.05, 15.05, 16.04, 17.05, 18.04, 19.03, 20.04, 21.04, 22.04, 23.05, 24.06, and 25.04, by changing Paragraph G; and add a new Sec. 27.11 - Lighting Regulations
78-139	Text Amendment	6/5/2000	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Section 30.02 (C)(6), Site Plan Review Procedures and Standards, to change the time requirement for submitting an application for site plan review from 8 days to 12 days.
78-140	Text Amendment	7/17/2000	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sections 5.09, 5.19, 5.29, 6.09, 7.05, 9.05, 10.05, 11.04, 12.04, 12.24, 13.05, 14.05, 15.05, 16.04, 17.05, 18.04, 19.03, 20.04, 21.04, 22.04, 23.05, 24.06, 25.04 by adding a paragraph re: Tree Preservation Regulations; and add a new Section 27.12 - Tree and Woodlands Protection.
78-141	Zoning Map	9/18/2000	St. Clare Properties, LLC William Krausmann	09-33-328-001	Rezone from LI-1 to SR, 8.121 acres <i>east of Joslyn Rd., south of Hopefield Rd.</i>
78-142	Text Amendment	10/16/2000	N/A	N/A	<b>ARTICLES VII, IX, and X, re: Assisted Living Facilities</b> Add a new Sec. 7.03 (G), Sec. 9.04 (D), and Sec. 10.04 (F)
78-143	Text Amendment	10/16/2000	N/A	N/A	<b>ARTICLES II, VI, VII, IX, and X, re: Day Care Centers</b> Amend Sec. 2.01, Definitions, by changing the definition for "Center" Add a new Sec. 6.03 (J), Sec. 7.03 (H), Sec. 9.04 (E), and Sec. 10.04 (G)
78-144	Zoning Map	2/20/2001	G & L Properties, Inc.	09-14-400-005	Rezone from R-1 to GB-2, 1.47 acres <i>east of Lapeer Rd., (M-24), south of Clarkston Rd.</i>
78-145	Zoning Map	3/5/2001	John and Mary Modetz	09-35-200-021	Rezone from OP-2 to OP-1, 2.5 acres <i>on the south side of Silverbell Rd., near the southeast corner of Silverbell Rd. and Lapeer Rd. (M-24)</i>
78-146	Zoning Map	8/20/2001	Orion Mall Associates	09-14-251-008 09-14-251-011 09-14-251-014 09-14-251-013 09-14-251-015	Rezone from GB-1 and GB-2 to RB-2, 4.58 acres <i>on the east side of Lapeer Rd. (M-24), northeast of the interesection of Casemer Rd. and Lapeer Rd. (M-24)</i>
78-147	Text Amendment	9/4/2001	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.11(B), Performance Guarantee, to include additional requirements

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-148	Text Amendment	9/17/2001	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.02(E)(2), Application Data Requirements, re: site plan sheet size
78-149	Zoning Map	9/17/2001	Lake Orion Community Schools	09-27-301-037 09-27-301-015 (part) 09-27-301-038 (part)	Rezone from RFY to LI-2, 12.76 acres <i>on the west side of Giddings Rd., approximately midway between Silverbell Rd. and Waldon Rd.</i>
78-150	Text Amendment	10/1/2001	N/A	N/A	<b>ARTICLES II, V, VI, re: Bed and Breakfasts</b> Amend Sec. 2.01, Definitions, by adding a definition for "Bed and Breakfasts"; amend Sections 5.03(H), 5.13(H), 5.23 (H), and 6.04 (D) by adding provisions to allow and regulate bed and breakfast facilities in residential areas
78-151	Text Amendment	11/5/2001	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Amend Sec. 27.12 (D), Tree and Woodlands Protection / Exceptions, to allow <u>all</u> parcels less than 5 acres to be exempt from regulations
78-152	Text Amendment	11/19/2001	N/A	N/A	<b>ARTICLES II, V, VI, re: Commercial Vehicle Storage</b> Amend Sec. 2.01, Definitions, by adding definitions for "Commercial Equipment", "Commercial Vehicle", and "Construction Equipment"; Amend Sections 5.02(B)-SF, 5.12(B)-SE, 5.22(B)-SR, and 6.02(B)-R 1,2,&3, to regulate the storage of commercial vehicles in residential areas, and to allow some exemptions in the Suburban Farms (SF) zoning district
78-153	Text Amendment	11/19/2001	N/A	N/A	<b>ARTICLE XXVI, Schedule of Regulations</b> Amend Sec. 26.01, Footnotes, by adding Paragraph X, Right-of-Way Regulations, to establish the location from which setbacks, from <u>existing or future</u> rights-of-way, are to be measured
78-154	Text Amendment	3/4/2002	N/A	N/A	<b>ARTICLE XXVII, General Provisions</b> Add a new Section 27.13, Regulated Uses, to provide limitations for adult uses within the Township and prevent conflicts between such uses and residentially related uses.
78-155	Text Amendment	5/20/2002	N/A	N/A	<b>ARTICLE XXX, Administrative Procedures and Standards</b> Amend Sec. 30.13(C) & (D), requiring a "parallel plan" or "density plan" when submitting an application for consideration as a Planned Unit Development (PUD).

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-156	Zoning Map	6/17/2002	Synergy Group, Inc.	09-29-301-036	Rezone from RB-2 & SE to RB-2, 13.33 acres <i>3800 Baldwin Road (Neumaier's IGA site)</i>
78-157	Zoning Map	9/3/2002	G & L Properties, Inc.	09-14-400-006 09-14-400-007	Rezone from R-1 to GB-2, 3.02 acres total <i>1527 S. Lapeer Road (Lot 16, Reo Little Farms) &amp; 1545 S. Lapeer Road</i>
78-158	Text Amendment	10/7/2002	N/A	N/A	<b>ARTICLE XXVII, re: Vehicles As Living Quarters</b> Amend Sections 27.02(C) & 27.04(C), to restrict the open parking and storage of certain types of vehicles in all zoning districts, except where permitted; to regulate parking & storage of vehicles in residential districts
78-159	Text Amendment	10/21/2002	N/A	N/A	<b>ARTICLE XXVII, re: Access Management</b> Add Section 27.14, to regulate plans for development that come to the Township for review, with regards to access management.
78-160	Text Amendment	11/18/2002	N/A	N/A	<b>ARTICLE XXX, re: PUD, Joint Public Hearing</b> Amend Section 30.13(D), to simplify the procedures for setting a joint public hearing
78-161	Zoning Map	12/16/2002	Leo Derderian	09-35-300-003	Rezone from LI-1 to IP, 4.72 acres <i>4640 S. Lapeer Road, between Brown &amp; Silverbell Roads</i>
78-162	Text Amendment	12/16/2002	N/A	N/A	<b>ARTICLE XXVII, re: Open Space Preservation</b> Add Section 27.15, to provide the option for developers to develop certain residential property with 50% of open space in order to comply with the mandates provided in Act 177 of the Public Acts of 2001.
78-163	Zoning Map	1/21/2003	John J. Coyle	09-27-301-003	Rezone from SE to SR , 2.87 acres <i>1410 W. Silverbell Road</i>
78-164	Zoning Map	1/21/2003	Westbury Properties, LLC.	09-08-100-001 09-08-100-003 09-08-100-004 09-08-100-005 09-08-226-001 09-07-226-007 09-07-226-008 09-07-226-003	Rezone from SE to SR, 204.5 acres <i>east of Baldwin Road, north of Friendship Park (former Lessiter Farm)</i>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-165	Text Amendment	2/3/2003	N/A	N/A	<b>ARTICLES V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV &amp; XXVII</b> <b>re: Safety Path Regulations</b> Amend Sections 5.06, 6.06, 7.05(M), 8.04(M), 9.05(N), 10.05(M), 11.04(O), 12.04(N), 13.05(M), 14.05(N), 15.05(M), 16.04(N), 17.05(N), 18.04(N), 19.03(N), 20.04(N), 21.04(N), 22.04(N), 23.05(N), 24.06(M), 25.04(N) & 27.05(D), regarding the requirements for safety path construction
78-166	Text Amendment	4/21/2003	N/A	N/A	<b>ARTICLES II &amp; XXVII, re: Private Road &amp; Land Division Regulations</b> Amend Sections 2.01 and 27.06(D), to make the provisions of the Zoning Ordinance consistent with Ord. 27, Subdivision Regulations, and Ord. 60, Land Division & Private Roads, by standardizing the road width requirements for private roads, along with standardizing the definitions associated with roads, easements, setbacks, right-of-ways, etc.
78-167	Text Amendment	4/21/2003	N/A	N/A	<b>ARTICLES V &amp; XII, re: Safety Path Regulations</b> Amend Sections 5.16, 5.26, and 12.24(N), regarding the requirements for safety path construction
78-168	Zoning Map	4/21/2003	Michael A. Boggio	09-33-351-029	Rezone from LI-1 to OP-2, 90,000 square feet <i>831 Brown Road, between Baldwin &amp; Joslyn Roads</i>
78-169	Text Amendment	7/7/2003	N/A	N/A	<b>ARTICLES II, XIII, XV &amp; XXVII, re: Big Box Retail</b> Amend Sections 2.01, 13.03 and 15.02; and adding Section 27.16 to define and regulate Large Scale Retail Establishments ("Big Box" retail)
78-170	Text Amendment	7/7/2003	N/A	N/A	<b>ARTICLE XXX, re: Temporary Uses</b> Amend Section 30.06(F), to incorporate specific criteria that the Zoning Board of Appeals would use to review future temporary use permit applications
78-171	Zoning Map	7/7/2003	Orion Village Crossing, LLC	09-29-326-038	Rezone from OP-1 to RB-2, 1.23 acres; OP-1 to RM-2, 2.41 acres; and RB-2 to RM-2, 7.70 acres <i>southeast corner of Baldwin &amp; Maybee Roads, to construct a commercial PUD &amp; a residential PUD</i>
78-172	Text Amendment	9/15/2003	N/A	N/A	<b>ARTICLE XXX, re: PUD</b> Amend Section 30.13, to modify the PUD section
78-173	Text Amendment	11/3/2003	N/A	N/A	<b>ARTICLE XIV, re: General Business 1</b> Amend Sections 14.01, 14.02 and 14.04, to allow banks, medical & governmental type office uses, and drive-through facilities for banks & small retail establishments as special land uses

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-174	Zoning Map	11/17/2003	Marcos Makohon of K4 Architecture, LLC for Citizens Bank	09-32-377-015 09-32-377-035 09-32-377-036 09-32-377-037 09-32-377-069	Rezone from R-3 & RB-2 to GB-1, 1.74 acres <i>southeast corner of Baldwin &amp; Brown Roads</i>
78-175	Text Amendment	2/17/2004	N/A	N/A	<b>ARTICLES II, V, VI, XXVI &amp; XXVII, re: Accessory Uses &amp; Structures</b> Amend Sections 2.01, 5.07, 5.17, 5.27, 6.07, 26.01 and 27.02, to regulate the amount of accessory use that should be permitted for single family residentially zoned or used property
78-176	Text Amendment	3/15/2004	Harry Cohn for Colaur Development	N/A	<b>ARTICLE XV, re: General Business 2</b> Amend Section 15.01, to permit home improvement retail establishments of less than 55,000 square feet
78-177	Zoning Map	6/21/2004	Lone Eagle Development Lil' Peoples Place	09-35-200-022	Rezone from LI-2 to OP-2, 6.16 acres <i>east side of Lapeer Road and south of Silverbell Road</i>
78-178	Text Amendment	2/7/2005	N/A	N/A	<b>ARTICLES V, VI &amp; XXVI, re: Residential Building Height</b> Amend Sections 5.07, 5.17, 5.27, 6.07 and 26.01, to allow an increase in residential building height from 25 feet to 30 feet
78-179	Zoning Map	3/7/2005	Baldwin Development Co., LLC	09-29-301-003 09-29-301-004 09-29-301-005 09-29-301-006	Rezone from R-2 to RB-2, 1.07 acres; OP-1 to RB-2, 2.15 acres; GB-2 to RB-2, 2.02 acres; GB-2 to RM-2, 1.99 acres; RB-2 to RM-2, 6.29 acres <i>southwest corner of Baldwin &amp; Maybee Roads</i>
78-180	Text Amendment	4/4/2005	N/A	N/A	<b>ARTICLE XXIV, re: Recreation 2</b> Amend Section 24.00, to allow Township to initiate a rezoning if Rec-2 land passes out of the possession of a public owner and into the possession of a private owner
78-181	Text Amendment	4/18/2005	N/A	N/A	<b>ARTICLE XXXIII, re: Gingellville Village Center Overlay District</b> Add new Article to promote the development of the area in accordance with the Gingellville Village Planning and Design Guidelines
78-182	Text Amendment	8/15/2005	N/A	N/A	<b>ARTICLES II &amp; X, re: OP 2</b> Amend Sections 2.01, 10.00 and 10.04, to provide locations for light assembly as a special land use permit where provided in conjunction with research and development activities

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-183	Zoning Map	10/3/2005	William Simon Development, LLC	09-14-300-023 09-14-300-025 09-14-300-030 09-14-300-031	Rezone from SE to RM-1, 7.12 acres <i>northwest corner of M-24 and Scripps Road</i>
78-184	Zoning Map	11/21/2005	Marlin Wroubel	09-27-301-051	Rezone from LI-1 and LI-2 to IP, 14.48 acres <i>northwest corner of Silverbell Road and Giddings Road, for the purpose of creating a parcel that is under one zoning designation rather than three zoning designations</i>
78-185	Text Amendment	2/6/2006	N/A	N/A	<b>ARTICLE XXXIV, re: Brown Road Overlay District</b> Add new Article to promote the development of the area in accordance with the Charter Township of Orion Master Plan (Master Plan Addendum, dated May 16, 2001)
78-186	Zoning Map	2/21/2006	Roger Sherr for Baldwin-Maybee, LLC	09-29-101-019	Rezone from SE to RM-1 , 1.66 acres <i>northwest corner of Baldwin and Maybee Roads</i>
78-187	Text Amendment	2/21/2006	N/A	N/A	<b>ARTICLES II, IX, X, XI, XII, XIII, XIV &amp; XV, re: Extended Hour Uses</b> Amend Sections 2.01, 9.03, 9.04, 10.04, 11.03, 11.04, 12.04, 12.24, 13.03, 14.02, 14.04, 15.01, 15.02 & 15.04 renumbering sections 12.04, 12.05, 12.24 & 12.25, to define Extended Hour Uses as an office, retail, restaurant, or service establishment operating regularly scheduled business hours eighteen (18) or more hours a day
78-188	Zoning Map	4/3/2006	Peter Carroll	09-14-100-008	Rezone from GB-2 to OP-1, 1.91 acres <i>339 Clarkston Road (south side of Clarkston between Sherry and Alan Roads)</i>
78-189	Zoning Map	6/5/2006	Marcos Makohon	09-32-377-055	Rezone from RB-2 to GB-1, .59 acres <i>4895 S. Baldwin Road (east side of Baldwin Road and north of Brown Road)</i>
78-190	Zoning Map	9/18/2006	Charter Township of Orion	09-23-301-012 09-23-301-013	Rezone from GB-2 to OP-1, 6.6 acres <i>west side of Lapeer Road, north of Greenshield Road</i>
78-191	Zoning Map	9/18/2006	Charter Township of Orion	09-23-100-001	Rezone from REC-2 to SE, 85.4 acres <i>southwest corner of Lapeer Road and Scripps Road</i>
78-192	Text Amendment	12/18/2006	N/A	N/A	<b>ARTICLE XXX, re: PUD Concurrent Rezoning Application</b> Amend Section 30.13 to identify areas of the ordinance that reference concurrent rezoning application



Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-193	Text Amendment	1/2/2007	N/A	N/A	<b>ARTICLE XXX, re: Site Plan &amp; PUD Standards</b> Amend Sections 30.02 & 30.13 to require applicants to provide additional information pertaining to architectural quality, including sections, building materials, building details, screening of roof-mounted mechanical equipment, material sample boards, etc.
78-194	Zoning Map	1/16/2007	Carl Chandler	09-32-377-056 09-32-377-067 09-32-377-065 09-32-377-066	Rezone from RB-2 & R-3 to GB-1, 1.98 acres <i>east side of Baldwin Road between Brown Road and Jordan Road including 4878 Georgia &amp; 4885 Baldwin</i>
78-195	Zoning Map	4/16/2007	Dutton Corporate Centre LLC (FKA Brown Road Group LLC)	09-35-400-013	Rezone from LI-1 to RB-2 & GB-2, 10.61 acres <i>east side of M-24 (Lapeer Road) and on the north side of Dutton Road</i>
78-196	Text Amendment	8/6/2007	N/A	N/A	<b>ARTICLE XXX, re: HVAC Units</b> Amend Section 30.02 to address screening HVAC units
78-197	Text Amendment	8/6/2007	N/A	N/A	<b>ARTICLES IX, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XXI &amp; XXVII, re: Parking Regulations &amp; Standards</b> Amend Sections 9.05, 10.05, 12.05, 12.25, 13.05, 14.05, 15.05, 16.04, 17.04, 17.05, 18.04, 19.03, 21.04 & 27.04 to address parking regulations and standards
78-198	Text Amendment	8/6/2007	N/A	N/A	<b>ARTICLES I, II, V, VI, XXVII, XXIX &amp; XXX, re: Zoning Enabling Act</b> Amend Ordinance Title, and Sections 2.01, 5.01, 5.02, 5.03, 5.11, 5.12, 5.13, 5.21, 5.22, 5.23, 6.01, 6.02, 6.03, 27.11, 27.15, 29.02, 29.03, 30.01, 30.02, 30.03, 30.04, 30.05, 30.06, 30.07, 30.08, 30.09, 30.10, 30.11, 30.12, 30.13 & 30.14 to comply with Public Act 110 of the Public Acts of 2006, The Michigan Zoning Enabling Act
78-199	Text Amendment	9/17/2007	N/A	N/A	<b>ARTICLE XXVII, re: Landscaping, Fences &amp; Walls</b> Amend Section 27.05 to further address landscaping, and update allowable fence materials
78-200	Text Amendment	9/17/2007	N/A	N/A	<b>ARTICLES II, V, VI, VII, IX, X, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVII &amp; XXX, re: Wetland Setbacks</b> Amend Sections 2.01, 5.10, 5.21, 5.32, 6.10, 7.05, 9.05, 10.05, 11.04, 12.05, 12.25, 13.05, 14.05, 15.05, 16.04, 17.05, 18.04, 19.03, 20.04, 21.04, 22.05, 23.05, 24.06, 25.04 & 30.14 and add Section 27.17 to establish appropriate setbacks when a development project abuts regulated wetlands

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-201	Text Amendment	10/1/2007	N/A	N/A	<b>ARTICLE XXX, re: Special Land Use Procedures &amp; Standards</b> Amend Section 30.01 to clarify the procedures for Special Land Use and Site Plan
78-202	Text Amendment	10/1/2007	N/A	N/A	<b>ARTICLE XXX, re: Required Signs for SLU's, Rezonings &amp; PUD's</b> Amend Sections 30.01, 30.06 & 30.14 to require that signage be posted on sites for Rezoning Requests, Planned Unit Developments and Special Land Uses
78-203	Zoning Map	11/19/2007	3 DM	09-26-300-007 09-26-300-011	Rezone 10.45 acres from GB-2 to PUD and 16.45 acres from OP-2 to PUD <i>northwest corner of M-24 and Silverbell Road</i>
78-204	Text Amendment	2/19/2008	N/A	N/A	<b>ARTICLES II, XI, XII, XIII, XIV &amp; XV, re: Commercial Uses</b> Amend Sections 2.01, 11.00, 11.01, 11.03, 12.00, 12.01, 12.02, 12.03, 12.04, 12.20, 12.23, 12.24, 13.00, 13.01, 13.03, 13.04, 14.00, 14.01, 14.02, 14.04, 15.00, 15.01, 15.02 & 15.04 to update the allowed uses in each of the five commercial districts
78-205	Text Amendment	5/18/2009	N/A	N/A	<b>ARTICLE XXX, re: SLU's, Site Plans &amp; PUD's</b> Amend Sections 30.01, 30.02 & 30.14 to modify Special Land Use, Site Plan & PUD Procedures
78-206	Zoning Map	6/1/2009	Velmeir Companies	09-29-126-043 09-29-126-044 09-29-126-045	Rezone 2.05 acres from R-2 to RB-2 <i>northeast corner of Baldwin Road and Maybee Road</i> <i>3461 Baldwin, 3491 Baldwin &amp; 3180 Maybee</i>
78-207	Text Amendment	7/6/2009	N/A	N/A	<b>ARTICLE XXX, re: Conditional Rezoning</b> Add Section 30.05 to provide for Conditional Rezoning of property and reorder sections 30.01 through 30.14
78-208	Text Amendment	9/21/2009	N/A	N/A	<b>ARTICLES XVI, XVII, XVIII &amp; XIX, re: Expanded Industrial/Recreational Uses</b> Add Sections 16.03 & 18.03; renumber Sections 16.03, 16.04, 16.05, 18.03, 18.04 & 18.05; and amend Sections 17.04 & 19.01 by adding text to allow a commercial recreation use within the industrial districts
78-209	Text Amendment	9/21/2009	N/A	N/A	<b>ARTICLES II, XIV &amp; XXVII, re: Electric Vehicle Charging Stations</b> Amend Sections 2.01, 14.03 & 27.04 to allow electric vehicle charging stations
78-210	Text Amendment	2/1/2010	N/A	N/A	<b>ARTICLES II, XXVII &amp; XXVIII, re: Wind Energy Conservation Systems</b> Amend Sections 2.01 & 28.02 and add Section 27.18 to regulate Wind Energy Conversion Systems (WECS)
78-211	Text Amendment	2/16/2010	N/A	N/A	<b>ARTICLES II, XII, XIII, XIV, XV &amp; XVII, re: Outdoor Dining</b> Amend Sections 2.01, 12.01, 12.02, 12.03, 12.23, 13.01, 13.03, 14.01, 14.02, 15.02 & 17.04 to establish specific criteria for outdoor dining
78-212	Text Amendment	2/16/2010	N/A	N/A	<b>ARTICLES II, XI, XII, XIII, XIV, XV &amp; XXX, re: Outdoor Sales &amp; Temporary Uses</b> Amend Sections 2.01, 11.01, 12.01, 13.01, 14.01, 15.01 & 30.11 to define and regulate open air business, outdoor display and sales

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-213	Text Amendment	4/5/2010	N/A	N/A	<b>ARTICLES XII, XIII, XIV &amp; XV, re: Landscape/Greenbelt Requirements and Setbacks For Extended Hour Uses</b> Amend Sections 12.03, 12.04, 12.23, 13.03, 13.04, 14.02, 14.04, 15.02 & 15.04 to amend the regulations for landscape/greenbelt requirements and setbacks for extended hour uses
78-214	Zoning Map	8/16/2010	Mark Latshaw	09-14-100-039 09-14-100-036	Conditional Rezone 2.25 acres from RB-2 to GB-1 <i>west side of Lapeer Road, north of Casemer Road, 1488 S. Lapeer Road</i>
78-215	Zoning Map	10/18/2010	LRM Associates	09-29-126-015 09-29-126-016 09-29-126-017	Rezone 3.7 acres from R-2 to RB-2 <i>east side of Baldwin Road, north of Maybee Road 3415 South Baldwin, 3437 South Baldwin &amp; 3439 South Baldwin</i>
78-216	Zoning Map	10/18/2010	Darrell & Marylou Enneking	09-06-451-005 09-06-451-006 09-06-451-004	Rezone 2.57 acres from R-1 & RB-1 to PUD <i>southwest corner of Baldwin Road and Indianwood Road 10 North Baldwin, 20 North Baldwin &amp; 27 North Baldwin</i>
78-217	Text Amendment	11/15/2010	N/A	N/A	<b>ARTICLES II &amp; XXVII, re: Recreational Vehicle Storage</b> Amend Sections 2.01 and 27.04 to regulate recreational vehicle storage
78-218	Zoning Map	12/20/2010	Qual-Effic Services, Inc.	09-35-300-028	Conditional Rezone 10.81 of 31.34 acres from IP to GB-2 <i>west side of Lapeer Road between Brown &amp; Silverbell 4300 Lapeer Road</i>
78-219	Text Amendment	3/7/2011	N/A	N/A	<b>ARTICLE XXXIV, re: Brown Road Innovation Zone</b> Replace existing Sections 34.00 through 34.09 (entire Article XXXIV, Brown Road Overlay District) with Sections 34.00 through 34.02 (new Article XXXIV, Brown Road Innovation Zone)
78-220	Zoning Map	3/7/2011	Charter Township of Orion	09-32-326-001 09-32-326-002 09-32-326-004 09-32-326-005 09-32-326-006 09-32-326-007 09-32-326-008 09-32-326-009 09-32-326-010 09-32-326-011 09-32-326-012 09-32-326-013 09-32-326-014 09-32-326-015 09-32-326-016 09-32-326-017 09-32-326-018 09-32-326-019 09-32-326-024	Rezone 152 parcels totaling 261.49 acres R-1, R-2, R-3 (Single-Family Residential 1, 2, 3); RB-2 (Restricted Business-2); OP-1, OP-2 (Office & Professional 1, 2); GB-1 (General Business-1); LI-1, LI-2 (Limited Industrial 1, 2) and IP (Industrial Park) to Brown Road Innovation Zone (BIZ)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-220 (continued)	Zoning Map	3/7/2011	Charter Township of Orion	09-32-326-025 09-32-376-001 09-32-377-001 09-32-377-004 09-32-377-022 09-32-377-023 09-32-377-024 09-32-377-051 09-32-377-054 09-32-377-055 09-32-377-056 09-32-377-057 09-32-377-062 09-32-377-063 09-32-377-064 09-32-377-065 09-32-377-066 09-32-377-067 09-32-377-070 09-32-378-001 09-32-378-002 09-32-378-003 09-32-378-022 09-32-378-023 09-32-378-039 09-32-378-048 09-32-378-049 09-32-378-050 09-32-378-051 09-32-378-052 09-32-378-053 09-32-378-054 09-32-378-055 09-32-378-058 09-32-378-061 09-32-378-062 09-32-378-063 09-32-378-064 09-32-378-065 09-32-378-066 09-32-378-067	Rezone 152 parcels totaling 261.49 acres R-1, R-2, R-3 (Single-Family Residential 1, 2, 3); RB-2 (Restricted Business-2); OP-1, OP-2 (Office & Professional 1, 2); GB-1 (General Business-1); LI-1, LI-2 (Limited Industrial 1, 2) and IP (Industrial Park) to Brown Road Innovation Zone (BIZ)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-220 (continued)	Zoning Map	3/7/2011	Charter Township of Orion	09-32-378-068 09-32-378-069 09-32-378-070 09-32-378-073 09-32-379-003 09-32-379-024 09-32-379-025 09-32-379-051 09-32-379-052 09-32-379-056 09-32-379-061 09-32-379-062 09-32-379-064 09-32-379-065 09-32-379-066 09-32-379-067 09-32-379-068 09-32-379-069 09-32-379-071 09-32-379-072 09-32-379-073 09-32-379-074 09-32-379-076 09-32-379-077 09-32-400-019 09-32-400-020 09-32-400-021 09-32-400-022 09-32-400-023 09-32-400-024 09-32-400-030 09-32-400-038 09-32-400-044 09-32-400-058 09-32-400-059 09-32-400-062 09-32-400-065 09-32-400-066 09-32-400-067 09-32-400-069 09-32-400-070	Rezone 152 parcels totaling 261.49 acres R-1, R-2, R-3 (Single-Family Residential 1, 2, 3); RB-2 (Restricted Business-2); OP-1, OP-2 (Office & Professional 1, 2); GB-1 (General Business-1); LI-1, LI-2 (Limited Industrial 1, 2) and IP (Industrial Park) to Brown Road Innovation Zone (BIZ)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-220 (continued)	Zoning Map	3/7/2011	Charter Township of Orion	09-32-400-071 09-32-400-074 09-32-400-075 09-32-400-076 09-32-400-077 09-32-400-082 09-32-400-083 09-32-400-084 09-33-326-016 09-33-326-018 09-33-326-019 09-33-327-002 09-33-327-005 09-33-327-006 09-33-327-007 09-33-327-008 09-33-351-002 09-33-351-003 09-33-351-004 09-33-351-005 09-33-351-008 09-33-351-011 09-33-351-012 09-33-351-013 09-33-351-014 09-33-351-015 09-33-351-020 09-33-351-021 09-33-351-022 09-33-351-027 09-33-351-029 09-33-351-030 09-33-351-031 09-33-351-032 09-33-351-033 09-33-376-004 09-33-376-007 09-33-376-008 09-33-376-009 09-33-376-010 09-33-376-016	Rezone 152 parcels totaling 261.49 acres R-1, R-2, R-3 (Single-Family Residential 1, 2, 3); RB-2 (Restricted Business-2); OP-1, OP-2 (Office & Professional 1, 2); GB-1 (General Business-1); LI-1, LI-2 (Limited Industrial 1, 2) and IP (Industrial Park) to Brown Road Innovation Zone (BIZ)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-220 (continued)	Zoning Map	3/7/2011	Charter Township of Orion	09-33-376-017 09-33-376-026 09-33-376-027 09-33-376-028 09-33-377-002 09-33-377-003 09-33-378-002 09-33-378-008 09-33-378-009 09-33-378-010	Rezone 152 parcels totaling 261.49 acres R-1, R-2, R-3 (Single-Family Residential 1, 2, 3); RB-2 (Restricted Business-2); OP-1, OP-2 (Office & Professional 1, 2); GB-1 (General Business-1); LI-1, LI-2 (Limited Industrial 1, 2) and IP (Industrial Park) to Brown Road Innovation Zone (BIZ)
78-221	Zoning Map	7/5/2011	Kensington Community Church	09-35-300-005 09-35-300-003 09-35-300-029 09-35-300-016	Rezone 14.65 acres from LI-2 & IP to PUD <i>west side of Lapeer Road between Silverbell &amp; Brown Roads 4640 S. Lapeer, 4700 S. Lapeer, 4800 S Lapeer &amp; unaddressed</i>
78-222	Text Amendment	8/1/2011	N/A	N/A	<b>ARTICLES II, V, VI, VII &amp; XXVII, re: Home Occupation</b> Amend Sections 2.01, 5.02, 5.13, 5.24, 6.02, 7.02 & 27.02 to define and regulate home occupation
78-223	Text Amendment	8/15/2011	N/A	N/A	<b>ARTICLE XXIX, re: Administrative Organization</b> Repeal Section 29.02, Subsections A, C and D, Township Planning Commission and Section 29.03, Subsections A, C and D, Zoning Board of Appeals
78-224	Text Amendment	8/29/2011	N/A	N/A	<b>ARTICLE XXXIII, re: Gingellville Village Center Overlay District</b> Amend Section 33.01, to amend regulations and size of district
78-225	Text Amendment	11/7/2011	N/A	N/A	<b>ARTICLE XXX, re: Application Requirements</b> Amend Section 30.04 to amend application process for Zoning Ordinance amendments
78-226	Text Amendment	11/7/2011	N/A	N/A	<b>ARTICLES II &amp; XXX, re: Site Condominium</b> Amend Sections 2.01 and 30.01 to define and amend application process for condominium projects
78-227	Text Amendment	6/4/2012	N/A	N/A	<b>ARTICLE XXVII, re: Recreational Vehicle Parking</b> Amend Section 27.04 to regulate recreation vehicle parking
78-228	Text Amendment	6/4/2012	N/A	N/A	<b>ARTICLES II &amp; XXX, re: Temporary Uses</b> Amend Sections 2.01 and 30.11, to define and regulate Temporary Uses, Open Air Business, and Outdoor Display and Sales
78-229	Zoning Map	7/2/2012	A Parts Warehouse LLC	09-28-251-011	Conditional Rezone 6.7 acres from REC-1 to LI-1 <i>south side of Waldon Road between Joslyn &amp; Giddings Roads 1801 Waldon Road</i>
78-230	Zoning Map	8/20/2012	Versa Development, LLC	09-32-351-005	Conditional Rezone 1.43 acres from GB-2 to GB-1 <i>northwest corner of Baldwin Road and I-75 4960 S. Baldwin Road</i>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-231	Zoning Map	11/19/2012	Redwood Acquisition, LLC	09-29-301-083 09-29-301-006	PUD Amendment (Village Square PUD) <i>southwest corner of Baldwin &amp; Maybee Roads</i>
78-232	Text Amendment	1/22/2013	N/A	N/A	<b>ARTICLE XXX, re: Minor PUD</b> Amend Section 30.03 to create a Minor PUD option
78-233	Zoning Map	11/18/2013	Charter Township of Orion	09-03-252-002	Rezone 11.41 acres from RM-1 to R-3 <i>south side of Indianwood Road just west of Fernhurst</i>
78-234	Zoning Map	12/16/2013	Orion Commons LLC	09-23-100-001	Rezone 86 acres from SE to PUD <i>southwest corner of Scripps and Lapeer Roads</i>
78-235	Text Amendment	1/6/2014	N/A	N/A	<b>ARTICLE XXX, re: Temporary Use</b> Amend Section 30.11 to define temporary use permit application procedures, required conditions and renewals
78-236	Text Amendment	7/7/2014	N/A	N/A	<b>ARTICLE XXX, re: PUD</b> Amend Section 30.03 to modify the review process including plan review and public hearing procedures and eliminate the appeal process
78-237	Zoning Map	8/18/2014	Tim Donut U.S. Limited, Inc.	09-29-301-084	Amend PUD Agreement to allow drive thru on northern commercial pad <i>west side of Baldwin Road between Maybee and Gregory Roads 3600 S. Baldwin Road</i>
78-238	Zoning Map	9/2/2014	Rainbow Rascals Orion Township, LLC	09-23-100-005	Amend PUD Agreement to allow a child care center within the commercial piece of the development <i>located at the SW corner of Scripps and Lapeer Roads</i>
78-239	Text Amendment	9/2/2014	N/A	N/A	<b>ARTICLES II &amp; XXVII, re: Wireless Communication Facilities</b> Amend Section 2.01; repeal existing Section 27.07 and replace with new Section 27.07 to comply with changes to the Federal Telecommunications Act
78-240A	Text Amendment	9/2/2014	N/A	N/A	<b>ARTICLES X, XV, XVI, XVII, XVIII, XXVI &amp; XXXV, re: Lapeer Road Overlay</b> Amend Sections 10.04, 10.06, 15.02, 16.03, 17.04, 17.05, 17.06, 18.03, 18.05, 18.06 and 26.01; adding new Sections 35.00 through 35.04 to promote the development of the area in accordance with the Lapeer Road Overlay Zone
78-240B	Zoning Map	9/2/2014	Charter Township of Orion	09-26-300-004 09-26-300-007 09-26-300-008 09-26-300-010 09-26-300-011 09-35-100-008 09-35-100-009 09-35-100-010 09-35-100-013 09-35-100-017 09-35-100-018 09-35-100-019	Rezone 76 parcels totaling approximately 474 acres, consisting of the following parcels located on the east and west sides of Lapeer Road, south of Waldon Road and north of Brown and Dutton Roads from GB-2 (General Business-2); IP (Industrial Park); LI-1, LI-2 (Limited Industrial 1, 2); OP-2 (Office & Professional 2); and PUD (Planned Unit Development) to Lapeer Road Overlay Zone District (underlying zoning districts shall remain)



Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-240B (continued)	Zoning Map	9/2/2014	Charter Township of Orion	09-35-200-008 09-35-200-011 09-35-200-022 09-35-200-024 09-35-200-025 09-35-300-007 09-35-300-010 09-35-300-011 09-35-300-012 09-35-300-013 09-35-300-014 09-35-300-026 09-35-300-028 09-35-300-030 09-35-300-031 09-35-300-032 09-35-300-033 09-35-300-034 09-35-400-001 09-35-400-020 09-35-400-030 09-35-400-031 09-35-400-032 09-35-400-033 09-35-400-038 09-35-400-041 09-35-400-042 09-35-400-043 09-35-400-044 09-35-400-045 09-35-400-046 09-35-400-048 09-35-401-001 09-35-401-002 09-35-401-003 09-35-401-004 09-35-401-005 09-35-401-006 09-35-402-001 09-35-402-002 09-35-402-005	Rezone 76 parcels totaling approximately 474 acres, consisting of the following parcels located on the east and west sides of Lapeer Road, south of Waldon Road and north of Brown and Dutton Roads from GB-2 (General Business-2); IP (Industrial Park); LI-1, LI-2 (Limited Industrial 1, 2); OP-2 (Office & Professional 2); and PUD (Planned Unit Development) to Lapeer Road Overlay Zone District (underlying zoning districts shall remain)

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-240B (continued)	Zoning Map	9/2/2014	Charter Township of Orion	09-35-402-006 09-35-402-007 09-35-402-008 09-35-451-001 09-35-451-002 09-35-451-003 09-35-451-004 09-35-452-001 09-35-452-002 09-35-452-003 09-35-452-004 09-35-454-001 09-35-454-002 09-35-454-003 09-35-454-004 09-35-454-005 09-35-476-001 09-35-476-002 09-35-476-003 09-35-477-001 09-35-477-002 09-35-477-003 09-36-300-001	Rezone 76 parcels totaling approximately 474 acres, consisting of the following parcels located on the east and west sides of Lapeer Road, south of Waldon Road and north of Brown and Dutton Roads from GB-2 (General Business-2); IP (Industrial Park); LI-1, LI-2 (Limited Industrial 1, 2); OP-2 (Office & Professional 2); and PUD (Planned Unit Development) to Lapeer Road Overlay Zone District (underlying zoning districts shall remain)
78-241	Text Amendment	4/6/2015	N/A	N/A	<b>ARTICLE XXXIV, re: Brown Road Innovation Zone (BIZ)</b> Amend Sections 34.00 through 34.02, adding new Section 34.02 to promote the development of the area in accordance with the Brown Road Innovation Zone
78-242	Zoning Map	5/4/2015	The Project Collaborative, Inc.	09-11-429-018	Rezone 0.66 acres from GB-2 to GB-1 <i>east side of Lapeer Road between Summer Street and Glanworth Street 639 South Lapeer Road</i>
78-243	Text Amendment	6/1/2015	N/A	N/A	<b>ARTICLE XXXIV, re: Brown Road Innovation Zone (BIZ); correction of clerical error</b> Amend Section 34.01 to correct clerical error
78-244	Text Amendment	6/15/2015	N/A	N/A	<b>ARTICLES XXVII &amp; XXX, re: Site Plan Requirements</b> Amend Sections 27.02 and 30.01, to define site plan requirements
78-245	Zoning Map	6/22/2015	NorthPoint Development	09-35-400-048	Rezone 24.98 acres from LI-1 to IP <i>north of Dutton Road, east of Interpark Drive North</i>
78-246	Zoning Map	7/6/2015	Robertson Brothers Homes	09-29-326-045 09-29-326-046	Amend PUD Agreement to revise the approved plan from multi-family high density residential to detached condominium single family and attached townhomes <i>southeast corner of Maybee and Baldwin Roads</i>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-247	Zoning Map	10/5/2015	Charter Township of Orion	09-07-426-002 09-36-201-037 09-15-102-001 09-15-105-013 09-15-127-002 09-15-151-001 09-15-176-001 09-15-176-002	Rezone 136.51 acres from SE to REC-2 <i>northeast corner of Baldwin Road and Clarkston Road 789 S Baldwin Road 3300, 3330, 3350, 3380, 3400 &amp; 3450 W. Clarkston Road (Friendship Park)</i> Rezone 24.65 acres from SF to REC-2 <i>west side of Squirrel Road south of Silverbell Road 4100 N. Squirrel Road (Jesse Decker Park)</i> Rezone 137.07 acres from R-2 to REC-2 <i>south side of Clarkston Road between Joslyn Road and Lapeer Road 1223, 1279 &amp; 1301W. Clarkston Road &amp; unaddressed parcels (Camp Agawam)</i>
78-248	Zoning Map	11/16/2015	Charter Township of Orion	09-35-200-028 09-35-200-029	Rezone 30.16 acres from OP-2 to REC-2 <i>south side of Silverbell Road west of Bald Mountain Road unaddressed (Heron Springs Township Park)</i>
78-249	Zoning Map	12/21/2015	Pete & David Dedvukaj	09-14-226-014	Rezone 1.92 acres from GB-2 to RM-1 <i>south side of Clarkston Road west of Bald Mountain Road unaddressed</i>
78-250	Text Amendment	2/1/2016	N/A	N/A	<b>ARTICLES II, III, IX, XI, XIV, XVI, XVII, XVIII &amp; XXVII AND DELETING ARTICLES X, XII, XIII, XV &amp; XVII, re Zoning Consolidation</b> Consolidate many of the commercial, office and industrial districts
78-251	Zoning Map	2/1/2016	Charter Township of Orion	09-01-453-010 09-01-453-011 09-02-126-019 09-02-126-021 09-02-176-007 09-02-176-010 09-02-176-011 09-02-176-014 09-02-177-006 09-02-177-007 09-02-177-013 09-02-177-014 09-02-177-015 09-02-177-018 09-02-177-019 09-02-276-008 09-02-276-009 09-05-200-012 09-05-200-013 09-05-301-016	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-05-301-017 09-07-477-012 09-07-477-013 09-07-477-014 09-07-477-015 09-07-477-016 09-07-477-019 09-07-477-020 09-07-477-028 09-07-477-029 09-07-477-030 09-07-477-031 09-07-477-032 09-07-477-033 09-07-477-034 09-07-477-035 09-08-376-017 09-09-452-029 09-10-476-024 09-11-307-007 09-11-307-023 09-11-307-024 09-11-307-025 09-11-377-079 09-11-404-010 09-11-404-011 09-11-426-007 09-11-426-020 09-11-426-021 09-11-427-004 09-11-427-006 09-11-427-007 09-11-427-008 09-11-427-016 09-11-427-017 09-11-427-019	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-11-428-001 09-11-428-008 09-11-428-011 09-11-428-012 09-11-428-013 09-11-428-015 09-11-428-016 09-11-428-017 09-11-428-018 09-11-429-018 09-11-429-019 09-11-430-004 09-11-430-005 09-11-430-006 09-11-430-007 09-11-430-021 09-11-459-004 09-11-459-005 09-11-459-006 09-11-476-009 09-11-476-015 09-11-476-019 09-11-477-008 09-11-477-009 09-11-477-011 09-11-477-014 09-11-477-015 09-11-477-031 09-11-477-033 09-11-477-037 09-11-477-038 09-11-477-039 09-11-477-040 09-11-477-043	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-11-477-045 09-11-477-046 09-11-479-001 09-11-479-008 09-11-479-009 09-12-431-001 09-12-431-002 09-14-100-007 09-14-100-008 09-14-100-009 09-14-100-010 09-14-100-013 09-14-100-014 09-14-100-015 09-14-100-035 09-14-100-052 09-14-100-053 09-14-100-070 09-14-100-071 09-14-100-073 09-14-100-074 09-14-201-001 09-14-201-002 09-14-201-003 09-14-201-004 09-14-201-005 09-14-201-006 09-14-201-009 09-14-201-013 09-14-201-020 09-14-201-021 09-14-201-022 09-14-226-001 09-14-226-004 09-14-226-007	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-14-226-008 09-14-226-010 09-14-226-011 09-14-226-013 09-14-226-014 09-14-251-004 09-14-251-016 09-14-251-017 09-14-251-018 09-14-251-019 09-14-300-046 09-14-400-007 09-14-400-021 09-16-226-001 09-16-227-001 09-16-227-002 09-16-227-005 09-16-227-016 09-16-227-017 09-17-100-007 09-17-100-008 09-20-106-035 09-20-351-011 09-20-351-012 09-21-376-002 09-23-301-005 09-23-301-010 09-23-301-012 09-23-301-013 09-23-301-014 09-23-351-007 09-23-351-008 09-23-351-009 09-23-401-001	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-23-402-001 09-23-402-004 09-23-402-005 09-23-402-011 09-23-402-012 09-23-402-023 09-23-402-024 09-23-402-025 09-23-402-026 09-23-402-028 09-26-101-015 09-26-151-033 09-26-151-034 09-26-300-004 09-26-300-007 09-26-300-008 09-26-300-010 09-26-300-011 09-26-451-002 09-26-451-003 09-26-452-017 09-27-301-015 09-27-301-033 09-27-301-035 09-27-301-037 09-27-301-050 09-27-301-052 09-27-400-002 09-27-400-003 09-27-400-011 09-27-400-012 09-28-251-003 09-28-251-007 09-28-251-012 09-28-376-031	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI



Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-28-377-006 09-28-377-011 09-28-377-012 09-29-101-015 09-29-101-018 09-29-126-001 09-29-126-015 09-29-126-016 09-29-126-017 09-29-126-039 09-29-126-055 09-29-126-062 09-29-126-064 09-29-126-065 09-29-126-066 09-29-126-067 09-29-301-011 09-29-301-012 09-29-301-014 09-29-301-015 09-29-301-030 09-29-301-031 09-29-301-036 09-29-301-040 09-29-326-016 09-29-326-019 09-29-326-022 09-29-326-029 09-29-326-036 09-29-326-039 09-29-326-040 09-29-326-041 09-29-326-042 09-29-326-044 09-32-101-025	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-32-101-033 09-32-102-010 09-32-102-025 09-32-126-003 09-32-126-005 09-32-126-009 09-32-126-012 09-32-126-013 09-32-126-015 09-32-126-017 09-32-126-018 09-32-126-019 09-32-126-028 09-32-126-031 09-32-126-032 09-32-126-035 09-32-126-036 09-32-126-039 09-32-126-041 09-32-126-044 09-32-126-045 09-32-126-046 09-32-151-018 09-32-351-005 09-32-351-011 09-32-351-012 09-32-351-013 09-32-351-014 09-32-351-015 09-32-351-016 09-32-351-017 09-32-351-018 09-32-351-019 09-32-351-020	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-251 (continued)	Zoning Map	2/1/2016	Charter Township of Orion	09-32-351-021 09-32-351-022 09-32-351-023 09-32-351-024 09-32-351-025 09-32-351-026 09-33-326-005 09-34-300-002 09-34-300-010 09-35-100-008 09-35-100-009 09-35-100-010 09-35-100-013 09-35-100-017 09-35-100-018 09-35-100-019 09-35-200-002 09-35-200-003 09-35-200-008 09-35-200-011 09-35-200-020 09-35-200-021 09-35-200-022 09-35-200-025 09-35-200-030 09-35-200-031 09-35-300-007 09-35-300-010 09-35-300-011 09-35-300-012 09-35-300-013 09-35-300-014 09-35-300-026 09-35-300-030 09-35-300-031 09-35-300-033 09-35-400-001	Rezone 300 parcels from OP-1 & OP-2 to OP; RB-1, RB-2 & RB-3 to RB; CB, GB-1, GB-2 & GB-3 to GB and LI-1 & LI-2 to LI

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-252	Zoning Map	3/21/2016	Pulte Homes of Michigan	09-25-400-033 09-25-400-031 09-25-400-027 09-25-400-016 09-25-400-015	Rezone approximately 235.9 acres total <i>located north of Silverbell Road, west of Kern Road</i> Rezone from REC-2 to PUD <i>3350 Kern Road</i> Rezone from SF to PUD <i>unaddressed vacant parcel south of 3350 Kern Road</i> <i>part of 3846 Kern Road</i> <i>vacant parcel (part of 09-25-400-027)</i> <i>1201 E. Silverbell Road</i> <i>1169 E. Silverbell Road</i>
78-253	Text Amendment	8/15/2016	N/A	N/A	<b>Articles VII, VIII, IX, XI, XIV, XVI, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVII, XXX, XXXIV &amp; XXXV, re: Performance Guarantee</b> Amend Sections 7.05, 8.04, 9.03, 11.03, 14.03, 16.03, 18.05, 19.03, 20.04, 21.04, 22.04, 23.05, 24.06, 25.04, 27.05, 27.12, 27.18, 30.09, 30.11, 34.03 and 35.04 to revise from bond to financial guarantee to provide sufficient options for the Township to retain funds to complete unfinished improvements
78-254	Text Amendment	11/1/2016	N/A	N/A	<b>Articles II &amp; VII, re: Multi Family</b> Amend Sections 2.01 & 7.06 to modify density, area, bulk, and setback requirements for multi- family residential uses
78-255	Text Amendment	11/1/2016	N/A	N/A	<b>Article XXX, re: Conditional Rezone</b> Amend Section 30.05 to modify procedural standards for conditional rezoning
78-256	Text Amendment	1/3/2017	N/A	N/A	<b>Articles II &amp; XXVII, re: Electric Car Charging Stations</b> Amend Sections 2.01 & 27.04 to more fully address electric car charging stations
78-257	Zoning Map	3/20/2017	Lane Mally, LLC	09-17-100-008	Rezone 3.5 acres from RB to PUD <i>located on the south side of Clarkston Road, east of Baldwin Road</i> <i>unaddressed parcel</i>
78-258	Zoning Map	7/17/2017	Baldwin Summit, LLC	09-29-326-044	Amend PUD agreement to revise the approved plan to construct a smaller building, modify parking, and change the building elevation <i>southeast corner of Maybee and Baldwin Roads</i>
78-259	Text Amendment	7/17/2017	N/A	N/A	<b>Article XXXIV, re: Brown Road Innovation Zone (BIZ)</b> Amend Sections 34.01 & 34.03 to address outdoor patios and cafés and design standards
78-260	Zoning Map	10/2/2017	David Walters	09-23-100-004	Amend PUD agreement to revise the approved plan to construct two commercial buildings, one with a drive-thru in the commercial/office area <i>vacant parcel south of Scripps Road, North of Gunnison Street on the west side of Lapeer Road</i>
78-261	Zoning Map	10/16/2017	Speedway LLC	09-14-201-003(part)	Rezone .407 acres from OP to GB <i>located at the southwest corner of Clarkston Road and Lapeer Road</i> <i>part of 1100 S. Lapeer Road</i>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-262	Zoning Map	2/20/2018	Sean Awdish	09-26-452-017 09-26-452-009	Rezone 4.93 acres from RB, GB & R-1 to PUD <i>located at the northeast corner of Silverbell and Lapeer Roads 3901 S. Lapeer &amp; unaddressed vacant parcel</i>
78-263	Zoning Map	6/4/2018	Fairview Companies	09-31-200-001	Rezone approximately 69 acres from SF to PUD <i>located on the south side of Gregory Road unaddressed parcel</i>
78-264	Zoning Map	6/18/2018	MJC Stadium Ridge LLC	09-14-400-010	Rezone 43.61 acres total from RM-1 to R-3 & GB <i>east of Lapeer Road (M24) north of Stadium Drive unaddressed parcel</i>
78-265	Text Amendment	7/16/2018	N/A	N/A	<b>Articles II, III, V, VI, VII, VIII, IX, XI, XIV, XVI, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXVI, XXVII &amp; XXXV and deleting Article XXV, re: Schedule of Regulations</b> Article XXVI Schedule of Regulations was abbreviated, footnotes were removed and added to the appropriate zoning districts
78-266	Zoning Map	7/16/2018	Charter Twp of Orion	09-12-304-009 09-13-201-003 09-28-502-002 09-21-502-006 09-21-276-002 09-16-426-002 09-16-226-002 09-09-426-027 09-09-226-016 09-04-201-006	Rezone from Unclassified to REC-2 <i>portions of the Polly Ann &amp; Paint Creek Trails</i>
78-267	Zoning Map	8/20/2018	David Fulkerson	09-02-126-007	Rezone approximately 4.591 acres from R-1 to OP <i>west side of Lapeer Road, south of Manitou Lane 985 N. Lapeer Road</i>
78-268	Zoning Map	10/29/2018	Baldwin Medical, LLC	09-29-301-084 09-29-301-085	Amend the PUD for the purpose of removing the currently-approved Tim Hortons/Coldstone Creamery and proposing a two-story 10,942 square foot footprint (21,884 total) medical building with a drive thru <i>located on the west side of Baldwin Road between Maybee and Gregory Roads 3600 S. Baldwin Road</i>
78-269	Zoning Map	6/3/2019	Pulte Homes of Michigan, LLC	09-32-400-055 (part) 09-32-400-057 (part)	Rezone approximately 2.75 acres from R-1 to BIZ use groups A, C & D <i>north side of Brown Road and east of Baldwin Road unaddressed parcels</i>
78-270	Zoning Map	7/1/2019	John and Nanci, LLC	09-26-101-015 (part) 09-26-101-009 (part)	Rezone approximately 3.66 acres from GB to GB with conditions and R-2 to GB with conditions <i>northwest corner of Lapeer Road and Waldon Road eastern portion of 3030 S. Lapeer Road eastern portion of unaddressed</i>
78-271	Zoning Map	8/19/2019	Donald Milosch, LLC	09-26-300-011 (part)	Conditionally rezone approximately 8.703 acres from OP to IP <i>northwest corner of Lapeer and Silverbell Roads unaddressed parcel</i>

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-272	Zoning Map	8/19/2019	Donald Milosch, LLC	09-26-300-011 (part)	Rezone approximately 7.75 acres from OP to GB northwest corner of Lapeer and Silverbell Roads unaddressed parcel
78-273	Zoning Map	11/18/2019	Silverman Acquisitions LLC	09-32-301-014	Rezone approximately 7.25 acres from R-1 to BIZ use groups A, B, and C northwest corner of Morgan and Baldwin Roads unaddressed parcel
78-274	Zoning Map	2/3/2020	Jacobson Mocerri Orion LLC	09-36-226-001	Rezone approximately 76 acres from SF to PUD southeast corner of Silverbell and Squirrel Roads unaddressed parcel
78-275	Text Amendment	5/4/2020	N/A	N/A	<b>Articles II, V, XIV, XVI, XXIV, XXV, XXVII, XXX &amp; XXXIV, re: Uniformity of Text between Articles</b> Amend Sections 2.01, 5.01, 6.01, 14.03, 16.01, 16.02, 24.01, 27.05, 30.01, 30.02, 30.03, 30.04, 30.06, 30.11 & 34.03
78-276	Text Amendment	6/15/2020	N/A	N/A	<b>Articles II, XXXIII &amp; XXXIV, re: Gingellville Overlay &amp; Brown Road Innovation District (BIZ) Density</b> Amend Sections 2.01, 33.01, 33.02, 34.01, 34.03 & adding 34.04 to clarify and provide more flexibility in achieving goals of Master Plan in addition to addressing allowable density in the Gingellville & BIZ Districts
78-277	Zoning Map	9/21/2020	Franklin Ridge Homes LLC	09-33-201-001 09-33-128-001 09-28-379-001 09-28-451-001	Rezone approximately 74 acres from SE to PUD south of Silverbell Rd. on the east side of Joslyn Rd unaddressed parcels
78-278	Zoning Map	10/19/2020	David Dedvukaj	09-33-301-002 (part) 09-33-301-004 (part)	Conditionally rezone from R-1 (Single Family Residential) to BIZ (Brown Road Innovation Zone Use Groups A&B) south side of Judah Rd. west of Joslyn Road unaddressed parcel & part of 2401 Judah Rd
78-279	Zoning Map	1/19/2021	Pulte Homes of Michigan	09-31-200-006	Rezone approximately 32.75 acres from SF to PUD south side of Gregory Rd 3537 & 3595 Gregory Road
78-280	Zoning Map	2/1/2021	Jeffrey Edgar	09-26-451-005	Rezone approximately 4.21 acres from RB to GB east side of Lapeer Road north of Silverbell Road northern portion of 3805 S. Lapeer Road
78-281	Zoning Map	3/1/2021	Donald E. Milosch	09-26-300-013	Rezone approximately 4.293 acres from GB to IP northwest corner of Silverbell and Lapeer Roads western portion of the unaddressed parcel
78-282	Zoning Map	4/5/2021	Anthony Battaglia	09-35-200-023	Rezone approximately 2.34 acres from R-1 to OP southwest corner of Silverbell & Bald Mountain Roads 512 East Silverbell Road
78-283	Zoning Map	7/6/2021	Orion Capital Holdings LLC	09-26-451-004 09-26-402-020 09-26-402-021	Rezone approximately 28.6 acres from R-1, OP & RB to PUD north of Silverbell Rd. on the east side of Lapeer Road unaddressed parcels north of 3805 S. Lapeer

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-284	Zoning Map	7/6/2021	Lake Orion Community Schools	09-16-200-002	Rezone approximately 0.648 acres from SF to LI south side of Clarkston Road east of Joslyn Road 1013, 1135, 1155 and 1255 Joslyn Road
78-285	Zoning Map	8/2/2021	Evernest Development LLC	09-23-301-005 09-23-301-012 09-23-301-013	Rezone approximately 15.95 acres from OP to RM-2 west side of Lapeer Road north of Greenshield Road 2410 S. Lapeer Road and unaddressed parcels south of same
78-286	Text Amendment	8/16/2021	N/A	N/A	<b>Articles II, V, VI, VII, IX, XI &amp; XIV, re: Assemblies</b> Amend Sections 2.01, 5.01, 5.02, 6.01, 6.02, 7.01, 7.02, 9.01, 9.02, 9.03, 11.01, 11.03, 14.01, 14.02 & 14.03 to update the various uses regarding assemblies
78-287	Zoning Map	9/7/2021	Ziad Kassab	09-14-100-074	Rezone approximately 1.62 acres from RB to GB northwest corner of Lapeer and Casemer Roads 1472, 1480 and 1488 S. Lapeer Road
78-288	Zoning Map	11/15/2021	F & D Silverbell	09-35-100-019	Rezone approximately 23.05 acres from OP to IP and approximately 7.02 acres from OP to GB SW corner of Silverbell and Lapeer Road unaddressed parcel
78-289	Text Amendment	12/6/2021	N/A	N/A	<b>Article XVIII, re: Land Uses</b> Amend Section 18.01 to comply with Ordinance 154, Licensed Marihuana Facilities Ordinance
78-290	Text Amendment	7/5/2022	N/A	N/A	<b>ARTICLE XIX, Industrial Complex (IC)</b> Amend Sections 19.00, 19.01, 19.03 & 19.04 to amend requirements for the IC district
78-291	Zoning Map	10/3/2022	KN West, LLC	09-14-201-005	Rezone approximately 0.908 acres from RB to GB west side of Lapeer Road south of Clarkston Road 1112, 1116, 1120, 1124, 1128 & 1132 S. Lapeer Road
78-292	Zoning Map	11/15/2021 finalized via extensions October 2022	Joseph P. Salome Grandview Building, Inc.	09-26-151-019	Rezone approximately 17.44 acres from Rec-2 to RM-1 and approximately 4.21 acres from Rec-2 to GB west side of Lapeer Road south of Waldon Road 3120 S. Lapeer Rd.
78-293	Text Amendment	12/5/2022	N/A	N/A	<b>Article XXX, re: Performance Guarantee</b> Amend Section 30.09 to amend requirements, default and use and disposition of bonds
78-294	Zoning Map	4/3/2023	Eric Hicks	09-14-226-011	Rezone approximately 16.56 acres from OP to LI north of and surrounding 4285 S Lapeer Road
78-295	Zoning Map	4/3/2023	Carrols, LLC	09-14-226-011	Rezone approximately 1.365 acres from OP to GB east side of Lapeer Road south of Clarkston Road 1155 South Lapeer Road
78-296	Zoning Map	5/1/2023	In-Site, LLC	09-15-226-007 09-15-226-006 09-15-226-008	Rezone approximately 11.37 acres from R-1 to PUD south side of W Clarkston Road between Hemingway and Walloon Way unaddressed parcels east and west of and including 625 W Clarkston Road
78-297	Zoning Map	5/1/2023	RED Equities, LLC	09-32-301-001 09-32-301-014 09-32-151-020 09-32-151-021	Rezone approximately 67 acres from R-1, SF & BIZ to PUD NW corner of Morgan and South Baldwin Roads 4410 & 4408 S. Baldwin Road, 2 adjoining unaddressed parcels and 4292 S. Baldwin

Amendment Number	Type of Amendment	Date of TB Meeting	Petitioner	Sidwell Number	Description
78-298	Text Amendment	6/19/2023	N/A	N/A	Articles II, III, IX, XI, XIV, XVI, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXVI, XXVII, XXIX, XXX, XXXIV & XXXV, re: Definitions, Parking, Landscaping, & Trash Receptacles Amend Sections 2.01, 3.00, 9.03, 11.03, 14.03, 16.03, 18.00, 18.02, 18.03, 19.03, 20.03, 21.03, 22.03, 23.03, 24.03, 27.02, 27.03, 29.03, 30.01, 30.02, 30.03, 34.03 & 35.04



**PREAMBLE**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the Township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas through the regulation of land development; by securing the most appropriate use of land; preventing overcrowding of land and undue congestion of population; providing for the reasonable protection of food, fiber, energy, and natural resources; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements and by other means all in accordance with the Township Master Plan; now therefore, the Township Board of the Charter Township of Orion, Oakland County, Michigan, hereby rescinds and repeals Orion Township Zoning Ordinance 21 and all amendments thereto and ordains:

**CHARTER TOWNSHIP OF ORION  
OAKLAND COUNTY, MICHIGAN  
ZONING ORDINANCE**

**ORDINANCE TITLE**

An Ordinance enacted under Act 110, Public Acts of 2006, as amended, governing the unincorporated portions of the Charter Township of Orion, Oakland County, Michigan, to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for public and semi-public or other specified uses; and to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; to designate the use of certain state-licensed residential facilities, and for said purposes, to divide the Township into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for the condemnation and/or purchase of nonconforming properties; to provide for enforcement; to establish a Zoning Board of Appeals; and to impose penalties for the violation of this Ordinance.

**ARTICLE I – SHORT TITLE****Section 1.00**

This Ordinance shall be known and may be cited as "The Orion Charter Township Zoning Ordinance". Within the following text, it may be referred to as the "Ordinance".

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**Section 2.00 – Construction of Language**

For the purpose of this Ordinance certain terms or words used herein shall be interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- B. The phrase "single ownership" shall include ownership by a person, firm, association, organization, partnership, trust, company, corporation or other individual legal entity.
- C. The present tense includes the future tense. The singular number includes the plural, and the plural number includes the singular.
- D. The word "shall" is always mandatory. The word "may" is permissive.
- E. The phrases "used for" and "occupied for" shall include the phrases "intended for", "designed for", "maintained for", or "arranged for".
- F. Words and terms not herein defined shall have the meaning customarily assigned to them.

**Section 2.01 – Definitions**

**Accessory Building:** A detached or attached building or structure, the use of which is clearly incidental to that of the main building(s) or to the use of the land. Children’s play equipment shall not be considered an accessory building, nor a habitable second floor bedroom or office. *(amended 02.17.04)*

- A. Detached Accessory Building: A building or structure that is incidental to, does not share a common wall with, or is not connected to the main building(s) by an enclosed breezeway. Such buildings include, but are not limited to, pole barns, garages, in-ground swimming pools and above-ground pools with a surrounding deck structure.
- B. Attached Accessory Building: A non-habitable building or structure that is incidental to, shares a common wall with, or is connected to the main building(s) by an enclosed breezeway. Such buildings include, but are not limited to, garages, storage rooms and workshops.

**Accessory Use:** An accessory use is a use which is clearly incidental to, customarily found in connection with, and is located on the same zoning lot as the principal use to which it is related.

**Access Road, Marginal:** See Marginal Access Road.

**Adult Day-Care Facility:** *(added 08.06.07)*

- A. Adult Family Day-Care Home. A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- B. Adult Group Day-Care Home. A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

- C. Adult Day-Care Center. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

**Adult Foster Care Facility:** A state-licensed establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, MCL 400.701, et. seq.; MSA 16.610 (61), et. seq., as amended. The following additional definitions shall apply in the application of this Ordinance: *(amended 08.06.07)*

- A. Adult Foster Care Family Home. A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. *(amended 08.06.07)*
- B. Adult Foster Care Small Group Home. An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. *(amended 08.06.07)*
- C. Adult Foster Care Large Group Home. A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. *(amended 08.06.07)*
- D. Adult Foster Care Congregate Facility. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care. *(amended 08.06.07)*

**Agricultural:** See Farm.

**Airport:** A tract of land that is maintained for the take-off and landing of aircraft and that has facilities for the shelter, supply, and repair of such aircraft.

**Alley:** A public or private right-of-way which provides secondary access to a lot, block or parcel of land. *(amended 04.21.03)*

**Alterations:** Any change, addition or modification to a structure or type of occupancy, any change in the structural members of a building such as wall or partitions, columns, beams or girders, or any change which may be referred to herein as "altered" or "reconstructed".

**Apartment:** The dwelling unit in a multiple dwelling as defined herein:

- A. Efficiency Apartment. A dwelling unit consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.
- B. One Bedroom Unit. A dwelling unit consisting of not more than two (2) rooms in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered a two (2) room unit.



- C. Two Bedroom Unit. A dwelling unit consisting of not more than three (3) rooms in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.
- D. Three or More Bedroom Unit. A dwelling unit consisting of four (4) or more rooms in addition to kitchen and necessary sanitary facilities, and for the purposes of computing density shall be considered a four (4) room unit.

**Apartment House:** See Dwelling, Multiple Family.

**Assisted Living Facility:** A multiple-family housing form which offers as needed assistance with such daily activities as eating, bathing, dressing, laundry, housekeeping and medications, and sometimes includes centers for medical care. Each dwelling unit may or may not contain cooking and laundry facilities. *(amended 08.06.07)*

**Automobile:** For the purposes of this Ordinance, "automobile" shall include automobiles, pickup trucks, vans, campers, motorcycles, and similar motor-driven wheeled vehicles. This definition shall not include tractor trailers, semi-trucks, construction equipment, and similar types of heavy commercial vehicles.

**Automobile Dealership:** A building or premises used primarily for the sale of new and used automobiles and which may include related repair and service activities.

**Automobile Repair Garage:** An enclosed building where the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as frame or fender straightening and repair; painting and undercoating of automobiles; and automobile glass work.

**Automobile Service Center:** An enclosed building used primarily for the sale and installation of major automobile accessories such as tires, batteries, radios, air conditioners, and mufflers; and such services as brake adjustment, and wheel alignment and balancing, electric vehicle recharge stations or battery exchanges; but excluding any major mechanical repairs, collision work, undercoating or painting, or glass work. The sale of gasoline (stored in underground tanks) shall be incidental to the above enumerated activities. *(amended 09.21.09)*

**Automobile Wash Establishment:** A building or portion thereof where automobiles are washed as a commercial enterprise.

**Bank:** An establishment that exists primarily for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange. It shall include a credit union and a savings and loan establishment, but shall not include retail businesses that contain an automatic teller machine.

**Basement:** That portion of a building which is partially or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement

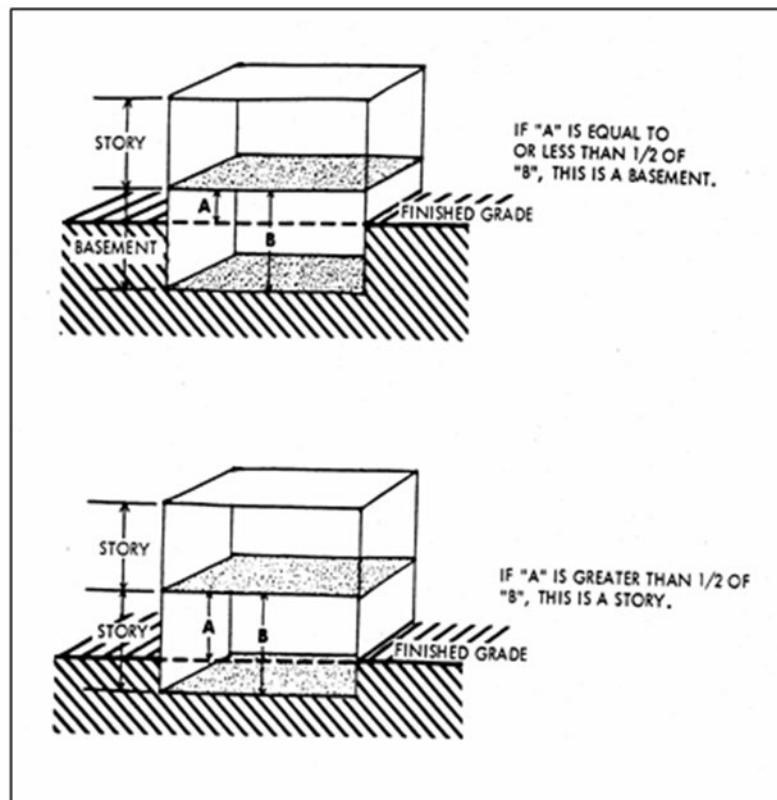


Illustration 2.1

shall not be counted as a story. This definition shall not include an earth-bermed or earth-sheltered house. (See Illustration 2.1)

**Bed and Breakfast:** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises. *(amended 10.01.01)*

**Berm:** A continuous, raised earthen mound with a flat top and sloped sides and planted with shrubs, grass, and trees or suitable ground cover in accordance with the Greenbelt Section of this Zoning Ordinance, constructed to sufficient height, length and width to act as a screening barrier where required by this Ordinance.

**Block:** A parcel of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, or the corporate boundary lines of any village, city or township.

**Board:** The Zoning Board of Appeals of the Charter Township of Orion.

**Boarding House:** A dwelling where meals, or lodging and meals are provided for compensation and where one or more rooms are occupied by persons by pre-arrangement for definite periods of not less than one week. A boarding house is to be distinguished from a hotel, motel, or a convalescent or nursing home. A rooming house or a furnished room shall be deemed a boarding house for the purposes of this Ordinance.

**Boat Livery:** Any premises on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a charge or a fee.

**Buildable Area:** The area remaining on a lot or parcel after yard, parking, or any other requirements of this Ordinance have been met.

**Buildable Land:** That land which because of its topography and soil and subsoil characteristics is capable of supporting the construction of a structure.

**Building:** Any structure, temporary or permanent, having one or more floors and a roof, and intended for the shelter or enclosure of persons, animals, or property, and including gazebos, and covered and screened porches. *(amended 02.17.04)*

**Building Height:** On a rectangular building, the vertical distance measured from the established grade to the highest point of the roof. On a building with a ridged roof, the vertical distance between the established grade to a point halfway up the triangular wall area enclosed by the sloping ends of the ridged roof. Where a building is located on a terrace or slope, the height shall be measured from the average ground level of the building wall. (See Illustration 2.2).

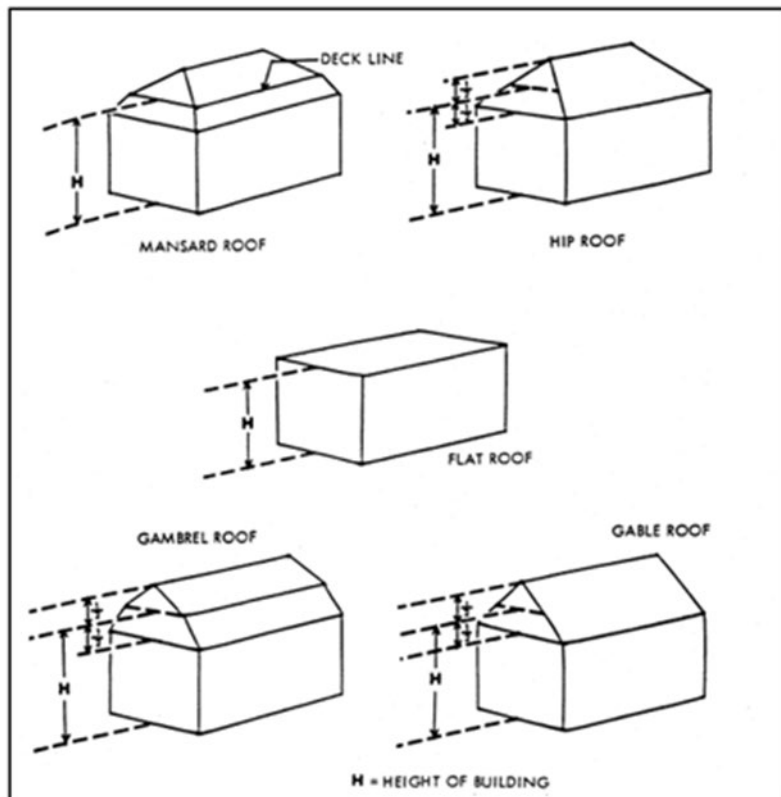


Illustration 2.2

**Building, Main or Principal:** A building or, where the context so indicates, a group of buildings which are permanently affixed to the land and which are built, used, designed, or intended for the shelter or enclosure of the main or principal use of the lot.

**Building Official:** The Building Inspector or Official designated by the Orion Township Board, or his authorized representative, charged with the responsibility of enforcing this Ordinance.

**Building Permit:** The written authority issued by the Building Official of Orion Township or his authorized agent permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

**Bulk:** Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes:

- A. Height and area of buildings.
- B. Location of exterior walls in relation to lot lines, streets, and other buildings.
- C. Gross floor area of buildings in relation to lot area.
- D. All open spaces allocated to buildings.
- E. Amount of lot area required for each dwelling unit.

**Bungalow Court Residential:** The bungalow court is a multiple family residential dwelling unit type consisting of detached structures, each containing one dwelling unit, surrounded by yard space on all four sides. More than one dwelling unit is placed on a single lot. Each dwelling unit has separate housekeeping, cooking and bathroom facilities. All units front upon a common landscaped court that contains pedestrian paths, and the common pathways connect to the front entry of each dwelling unit. *(added 06.15.20)*

**Business Establishment:** A business establishment is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same lot.

**Carport:** A partially open shelter or structure for housing automobiles. Such structures shall comply with all yard requirements applicable to garages.

**Cemetery:** Any land used or intended to be used for the burial of the human dead or animal dead, and dedicated for such purposes.

**Center:** A child care center or day care center which is a facility other than a private residence, which receives one (1) or more preschool or school age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, child kindergarten, play group, or drop-in center. *(amended 10.26.00)*

**Child Day-Care Facilities:** *(amended 08.06.07, 08.06.07, 06.19.23)*

- A. **Child Family Day-Care Home.** A private home in which one (1) to seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. A child family day-care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. A child family day-care home must comply with the licensing requirements of the Department of Health and Human Services in order to operate in the Township and must specifically satisfy the terms of MCL 722.111 *et. al.* in order to increase its capacity to seven (7) children.
- B. **Child Group Day-Care Home.** A private residence in which more than six (6) but not more than fourteen (14) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by

blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year. A child group day-care home must comply with the licensing requirements of the Department of Health and Human Services in order to operate in the Township and must specifically satisfy the terms of MCL 722.111 et. al. in order to increase its capacity to fourteen (14) children.

- C. **Child Day-Care Center.** A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, child kindergarten, play group, or drop-in center.

**Child Foster Family Facilities:** *(amended 08.06.07)*

- A. **Child Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. **Child Foster Family Group Home.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Act No. 288 of Public Acts of 1939, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Clinic:** A place for the care, diagnosis, and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

**Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but in no way operated for profit.

**Cluster Lots or Cluster Lotting:** Those lot arrangements within recorded plats as permitted under the terms of this Ordinance wherein the lot sizes are smaller than the principal permitted size in the district, said smaller size resulting from the permitted lot clustering provisions of this Ordinance.

**Commercial Equipment:** Any machinery, parts, accessories, construction equipment or other equipment used primarily in the course of conducting a trade or business. *(amended 11.19.01)*

**Commercial Use:** The use of property in connection with or for the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

**Commercial Vehicle:** A vehicle of the bus, truck, van or trailer-type, which is designed, constructed or used for the transportation of passengers for compensation, the delivery of goods, wares or merchandise, the drawing or towing of other vehicles or construction equipment, or for other commercial purposes. The term includes, but not to the exclusion of any other types not specifically mentioned herein, truck-trailers, step-vans, dump trucks, tow-trucks, pickup trucks and sedan or panel trucks in excess of three (3) ton pay load capacity primarily for commercial purposes, and pole trailers. *(amended 11.19.01)*

**Commission:** The Planning Commission of the Charter Township of Orion.

**Community Impact Statement:** An assessment of the developmental, ecological, social, economic, and physical impacts of a Planned Unit Development on and surrounding the development site.

**Condominium:** A building or lot governed under Act 59, Public Acts of 1978, as amended. The following condominium terms shall apply in the application of this Chapter: *(amended 11/07/11)*

1. **Condominium Documents:** The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner in the condominium.
2. **Condominium Lot:** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of the "lot" as used in connection with a project developed under the Land Division Act, Act 288 of the Public Acts of 1967, as amended.
3. **Condominium Unit:** The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
4. **General Common Elements:** A portion of the common elements reserved in the master deed for the use of all of the co-owners.
5. **Limited Common Elements:** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
6. **Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
7. **Site Condominium:** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which the condominium development is located, in which each co-owner owns the exclusive right to a volume of space within which each co-owner may construct a structure or structures.

**Construction Equipment:** A bulldozer, front-end loader, backhoe, power shovel, cement mixer, trenchers, and any other equipment designed or used for commercial construction purposes, including parts and accessories thereto, or trailers designed for the transportation of such equipment. *(amended 11.19.01)*

**Convalescent or Nursing Home:** A state licensed facility for the care of children, of the aged or infirm, or a place of rest for those suffering bodily disorders. Said home shall conform and qualify for license under State law even though State law has different size regulations. *(amended 08.06.07)*

**Co-op (Cooperative):** A residential or commercial building or group of buildings owned jointly in which the benefits or profits are shared by the common owners.

**Court:** An open unoccupied space other than a yard, and bounded on at least two sides by a building. A court extending to the front lot line or front yard, or to the rear lot line or the rear yard is an "Outer Court". Any other court is an "Inner Court".

**Day Care Home, Family:** A private home in which one (1) to seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. A family day care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian if the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services. A family day care home must comply with the licensing requirements of the Department of Health and Human Services in order to operate in the Township and must specifically satisfy the terms of MCL 722.111 et. al. in order to increase its capacity to seven (7) children. *(amended 02.17.94, 06.19.23)*

**Day Care Home, Group:** A private home in which more than six (6) but not more than fourteen (14) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. A group day care home must comply with the licensing requirements of the Department of Health and Human Services in order to operate in the Township and must specifically satisfy the terms of MCL 722.111 et. al. in order to increase its capacity to seven (7) children. *(amended 02.17.94, 06.19.23)*

**Deck:** A structure for outdoor residential activities greater than twelve (12) inches above the average grade, and constructed on an elevated foundation that may include joists, beams or posts. Decks are not considered accessory buildings, but are subject to setback and total lot coverage provisions. *(added 02.17.04)*

**Density:** The number of dwelling units developed on an acre of land. As used in this Ordinance, all densities are stated in dwelling units per acre.

**District:** A portion of the unincorporated area of the Township of Orion within which, on a uniform basis, certain uses of land and buildings are permitted, and within which certain regulations and requirements apply under the provisions of this Ordinance.

**Drive-in:** See Restaurant, Drive-In.

**Driveway:** A strip of land, that is not dedicated to the public, used to provide vehicular access to a single zoning lot. (See Illustration 2.9) *(added 04.21.03)*

**Dwelling, Single-Family:** A detached or attached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only, and having individual entranceways and garage facilities. Attached residential dwelling units, also known as cluster housing units, share a common wall.

**Dwelling, Two-Family or Duplex:** A detached building or structure designed for and occupied by two (2) families only, with separate housekeeping, cooking and bathroom facilities for each.

**Dwellings, Multiple-Family:** A building or structure designed for and occupied by three (3) or more families with separate housekeeping, cooking and bathroom facilities for each. Multiple family dwellings are commonly served by a common entranceway or foyer and generally do not have individual garage facilities. (Refer to "Apartments" definition for dwelling unit types.)

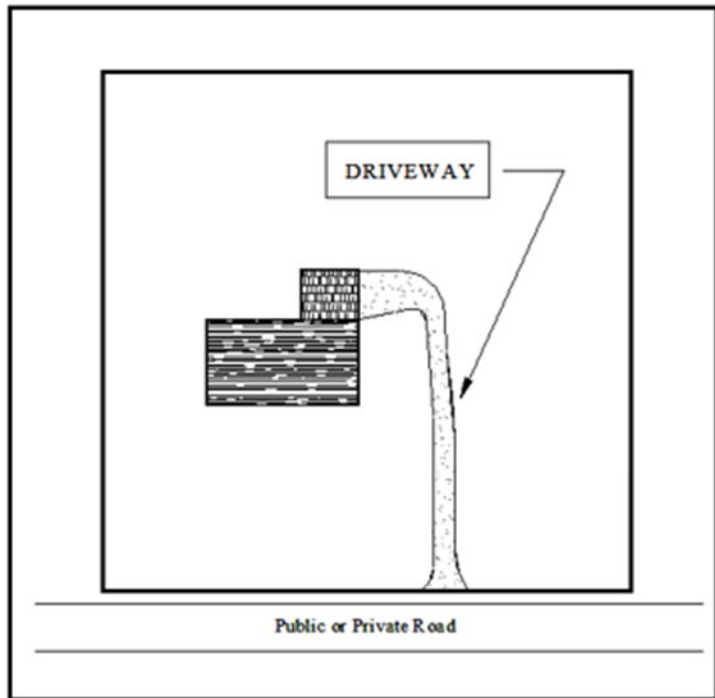


Illustration 2.9

**Dwelling Unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. *(amended 08.05.99)*

**Earth-Sheltered Home:** A complete building partially below grade that is intended to be used as a single-family dwelling as indicated by the building's design blueprints.

**Easement:** A specific area of land over which a liberty, privilege, or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and which shall be designated a 'public' or 'private' easement, depending on the nature of the use. *(amended 04.21.03)*

**Efficiency Unit:** See Apartment, Efficiency.

**Electric Vehicle:** Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Electric vehicle includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle. *(added 01.03.17)*

**Electric Vehicle Charging Station:** A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. *(added 01.03.17)*

**Enclosed Breezeway:** A structure with a roof connecting a detached accessory building and the principal structure on the lot. *(added 02.17.04)*

**Enclosed Mall:** A shopping center wherein all stores, offices, shops, walkways, and corridors are enclosed under a common roof, and all serviced by common means of access for retail purposes.

**Enforcement Officer:** The enforcement officer is the person and assistants designated by the Supervisor as being responsible for enforcing and administering all requirements of this Zoning Ordinance and the Township Building Code.

**Entrance Ramp:** A roadway used for access from a feeder road to a limited access highway.

**Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, and the like shall be considered part of erection.

**Essential Services:** Shall mean the erection, construction, alteration, or maintenance by Public Utilities or Municipal Governments, Departments, Commissions, or Boards, or by other governmental agencies of underground, surface or overhead gas, electric, steam, or water transmission or distribution systems, collection, communications, supply, or disposal systems, including public safety communication towers, structures and facilities, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and fire hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Public Utilities or Municipal Departments, Commissions, or Boards, or other governmental agencies, or for the public health, safety, or general welfare, and buildings which are primarily enclosures or shelters of such essential services equipment. An essential service shall not include other buildings associated with an essential service, or cellular telephone facilities, including cellular telephone transmitting towers, the use of essential service public safety communication towers, structures and facilities for cellular telephone or other wireless communication facilities, or commercial broadcast television and radio facilities. *(amended 09.02.14)*

**Excavation:** The removal or movement of soil, sand, stone, gravel, or fill dirt except for common household gardening, farming, and general ground care.

**Exception:** Certain uses, such as electrical substations or water pumping stations, considered by the Township Board to be essential or desirable for the welfare of the community, and which are entirely appropriate and not essentially incompatible with the basic uses in any zone. However, such exceptions may not be placed at every or any location or without conditions being imposed by reason of special problems the use presents from a zoning standpoint.

**Exit Ramp:** A roadway used for access from a limited access highway to a feeder road.

**Extended Hour Uses:** An office, retail, restaurant, or service establishment operating regularly scheduled business hours eighteen (18) or more hours per day. *(added 02.21.06)*

**Family:** *(amended 01.17.85)*

- A. One or more persons related by blood or marriage occupying a dwelling unit and living as a single, nonprofit housekeeping unit.
- B. A collective number of individuals living together in one house under one head, whose relationship is of a permanent order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.
- C. A family is distinguished from a group occupying a rooming house, boarding house, lodging house, club, fraternity house, hotel, motel, tourist home or foster care group home.

**Farm:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of forty (40) acres or more in area; provided further, farms may be considered as including accessory farm buildings, the principal residence, and establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry or livestock farms, and apiaries.

It excludes the raising of fur bearing animals, riding stables, animal kennels and establishments for the disposal or feeding of public garbage, rubbish or offal to animals.

**Farm Buildings:** Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities.

**Fast Food Restaurant:** See Restaurant, Fast-Food.

**Fence:** Any permanent partition, structure or gate of definite height and location erected as a dividing marker, barrier or enclosure.

**Fence, Obscuring (Walls):** A structure constructed of a permanent, durable material and of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

**Filling:** The depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

**Flood Plain:** The area adjoining a river stream, water course or lake subject to a one hundred (100) year recurrence-interval flood, as delineated by the Federal Insurance Administration of the Department of Housing and Urban Development "Flood Hazard Boundary" maps. The flood plain shall include the stream channel and the overbank area (the floodway) and the fringe areas of the floodway. No building shall be constructed in a flood plain.

**Floor Area:** See Structure Area.

**Floor Area, Residential:** For the purpose of computing the minimum allowable floor area in a residential, one-family dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, enclosed and unenclosed porches, and accessory structures.

In the case of two-family or multi-family dwellings, the minimum allowable floor area of a dwelling unit is the horizontal floor area of the dwelling unit measured to the interior face of the dwelling unit's perimeter walls, excluding hallways and common areas.

**Foster Child:** A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

**Front Setback for a Structure:** In determining the placement of a structure on a lot, the front building setback line shall be measured from the future right-of-way line as provided in the map of Road Right-of-Way Widths within



the Charter Township of Orion Master Plan or from the acquired highway easement whichever is greater. This provision relates solely to the measurement made for locating a structure on a lot, and is not intended to limit use of the property in other respects. Unless and until the area between the existing and future right-of-way lines is acquired or dedicated for public use, such area shall in all respects, be considered to be private property for private use. Thus, for determining density of use and other calculations relating to the layout and substantive use rights of the property, the existing right-of-way line shall be applicable (or highway easement, whichever is greater). *(added 07.16.18)*

**Garage, Private:** An accessory building designed or used for the storage of not more than three (3) motor vehicles owned and used by the occupants of the building to which it is accessory. A garage may be either attached to or detached from the principal structure.

**Garage, Storage:** Any premises except those herein defined as private garage, used exclusively for the storage of self-propelled vehicles, and where such vehicles are not repaired.

**Garbage:** All wastes, animal, fish, fowl or vegetable matter incidental to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure and fowl manures.

**Gasoline Service Station:** A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair. (Also see Automobile Repair Garage & Service Center.)

**Golf Driving Range:** The premises on which golf balls are hit for practice purposes including any related sales/office structure.

**Golf Course (Country Club):** The premises upon which the game of golf is played, including club houses, parking lots, swimming pools, tennis courts or other structures or uses customarily incidental to a golf course or a country club; provided, however, that a golf course shall include a minimum of nine holes.

**Grade:** The elevation of the curb at the mid-point of the front of the lot. Where no curb exists, the grade shall be the average elevation of the street adjacent to the property line. When the word "grade" is used herein in relation to a building, it shall mean the line on the foundation wall where the ground meets or is intended to meet the wall, unless such has been officially established.

**Greenbelt:** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer for noise and/or sight relief in carrying out the requirements of this Ordinance.

**Habitable Space:** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. *(added 02.17.04)*

**Home Occupation:** Any use customarily conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. *(amended 08.01.11)*

**Hospital:** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

**Hotel and Motel:** A series of dwelling units designed primarily for occupancy by transients located in one or more buildings wherein each unit has a separate entrance. No kitchen or cooking facilities are permitted with the exception of units for occupancy by the manager and/or caretaker. Units shall contain not less than two hundred fifty (250) square feet of floor space.

**Housing for the Elderly:** A building or group of buildings containing dwellings intended for, and solely occupied by, elderly persons as defined by the Federal Fair Housing Amendments Act of 1988. Housing for the elderly may

include independent and/or assisted living arrangements but shall not include convalescent or nursing facilities regulated by the State of Michigan. *(added 08.06.07)*

**Independent Living Facility:** A multiple-family housing form which provides housing for those people who are able to live independently but do not wish to maintain a home. These facilities also cater to those of the same age and offer prepared meals and social activities/amenities. Assistance with activities of daily living is not provided by the facility. *(added 08.06.07)*

**Industrial Park:** An industrial park is a special type of planned industrial subdivision or building designed and equipped to accommodate a variety of industrial uses, providing them with all necessary facilities, services, and utilities in attractive surroundings among compatible neighbors. Industrial parks may be promoted or developed by private developers, community organizations, or government organizations.

**Junk:** Any motor vehicles, machinery, appliances, product or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. This definition specifically includes motor vehicles not movable under their own power.

**Junk Yard:** An open area where waste, used, or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, and other metals, paper, rags, rubber tires, and bottles.

A "junk yard" includes automobile wrecking yards and includes any area used for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

**Kennel:** Any lot or premises on which three (3) or more dogs, cats, or other domestic animals, four (4) months or more old, are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets.

**Laboratory:** A place devoted to experimental study, such as testing and analyzing. Manufacturing of product or products is not to be permitted within this definition.

**Landfill:** Any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

**Land Use Plan:** See Master Plan.

**Landing Area:** A parcel of land or an excepted parcel of land or an outlot of a subdivision having hard-surfaced runways and taxiways but not having areas used for the storage or maintenance of aircraft. Such landing area shall be used exclusively for the landing and taking off of fixed-wing, propeller-driven aircraft.

**Large Scale Retail Establishment:** A retail establishment commonly referred to as a "big box" store, which exceeds fifty-five thousand (55,000) square feet in gross floor area for a single tenant. *(added 07.07.03)*

**Light Assembly:** Manufacture of light products, predominantly from previously prepared materials, of finished products or parts, such as industrial controls; electronic components and accessories; measuring, analyzing, and controlling instruments; photographic (except chemicals and sensitized materials); medical, optical goods; and other similar forms of light products assembly, as determined by the Planning Commission. Light assembly shall not include the fabrication, machining, stamping or forming of metal, plastic, or other materials, unless such fabrication, machining, stamping or forming is for incidental repair or as part of product development or research, experimentation, demonstration and/or training. *(added 08.15.05)*

**Livestock:** Horses, cattle, sheep, goats, and other useful animals normally kept or raised on a farm.

**Loading Space, Off-Street:** An area that is safely and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such delivery vehicles when required off-street parking spaces

are filled. Required off-street loading space is not to be included in the computation of required off-street parking space.

**Lot:** Part of a subdivision, the plat of which has been recorded in the office of the Oakland County Register of Deeds; or a plot of land, the deed of which has been recorded in the office of the Oakland County Register of Deeds.

**Lot Area:** The total horizontal area within the lot lines of the lot. For lots adjacent to private or public roads, the lot area shall not include any portion of the private or public road or road right-of-way. (amended 04.21.03)

**Lot, Contiguous:** Lots or parcels of land adjoining each other and under the same ownership.

**Lot, Corner:** A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.) (See Illustration 2.5)

**Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

**Lot, Multi Frontage:** An interior lot having frontages on two (2) or more streets as distinguished from a corner lot. (amended , 06.19.23)

**Lot, Interior:** Any lot other than a corner lot.

**Lot, Lakefront:** A lot adjoining or abutting a lake or a canal. Either the street-side or the lake-side shall be designated as the front on the plat and/or on the request for a building permit for the principal structure. (amended , 06.19.23)

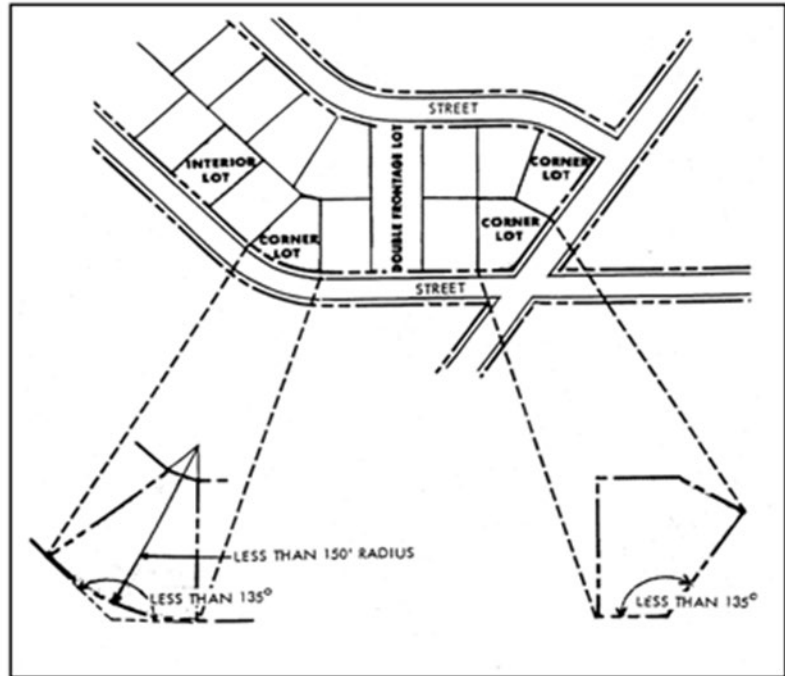


Illustration 2.5

**Lot Lines:** The lines bounding a lot as defined herein:

- A. Front Lot Line. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or multi frontage lot, that line separating said lot from the road which is designated as the front road in the plat and/or on the request for a building permit for the principal structure. For the purpose of determining setbacks, front yard setbacks shall be required from the lot line that abuts a public or private road right-of-way designated as the front road in the plat and/or on the request for a building permit for the principal structure (except a corner lot). For the purpose of determining setbacks on a corner lot, front setbacks shall be required from any lot line that abuts a public or private road right-of-way and shall meet the same rear and side setbacks for lot lines that do not front on a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04.21.03, 06.19.23)

- B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Building Inspector shall designate the rear lot line.
- C. Side Lot Line. Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Record:** A lot which is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded and is considered as such for tax purposes.

**Lot Width:** The horizontal, straight line distance between the side lot lines measured at the two points where the minimum building line or setback intersects the side lot lines. The width of a private road right-of-way shall not be included in the calculation of frontage necessary to achieve the minimum lot width requirements. *(amended 04.21.03)*

**Lot, Zoning:** A single tract of land, located within a single block, which at the time of filing for a permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy zoning ordinance requirements with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record. *(amended 08.06.98)*

**Marginal Access Road:** A service roadway parallel to a feeder road; and which provides access to abutting properties and protection from through traffic. (See Illustration 2.6)

**Master Plan:** The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan shall be adopted by the Planning Commission and may or may not be adopted by the Township Board.

**Master Right-of-Way Plan:** The right-of-way and/or thoroughfare plan officially adopted by the Township Board, the Road Commission for Oakland County (RCOC), and the Inter County Highway Commission.

**Mezzanine:** An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third (1/3) of the floor area of such main story. *(amended , 06.19.23)*

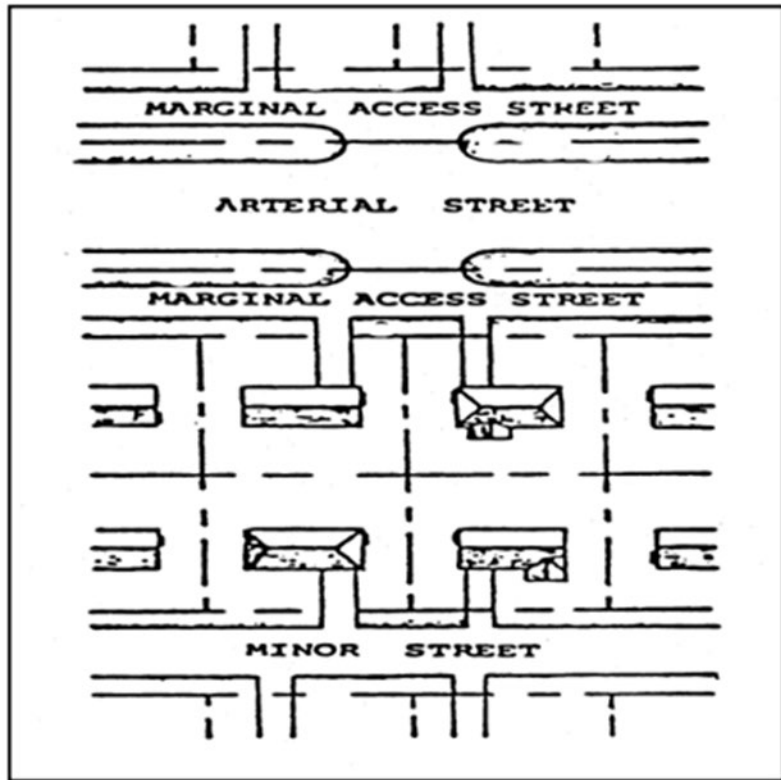


Illustration 2.6

**Mini-Warehouse:** A building that consists of several individual storage units, each with a separate door and lock and which can be leased on an individual basis.

**Mobile Home:** A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.

**Mobile Home Park:** Any plot of ground upon which two or more mobile homes, occupied for permanent residential purposes, are or may be located in compliance with the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

**Motel:** See Hotel.

**Motor Home:** A motor vehicle constructed or altered to provide living quarters, including permanently installed cooking and sleeping facilities, and is used for recreation, camping, or other non-commercial use. *(amended 08.05.99)*

**Natural Features:** Natural features shall include soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geologic formations.

**Non-Conforming Building:** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

**Non-Conforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located. (See Illustration 2.7)

**Nuisance:** An act, condition, thing, structure, or person which is offensive, annoying, unpleasant, and/or obnoxious.

**Nursery, Plant Material:** A space, building or structure, or combination thereof, for the growth and storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**Occupant Load:** The occupant load of an establishment or use is the maximum number of persons who can avail themselves of the services or goods of such establishment at any one time with reasonable safety and comfort, as determined by the Township's adopted Building Code, Ordinance No. 130, as amended.

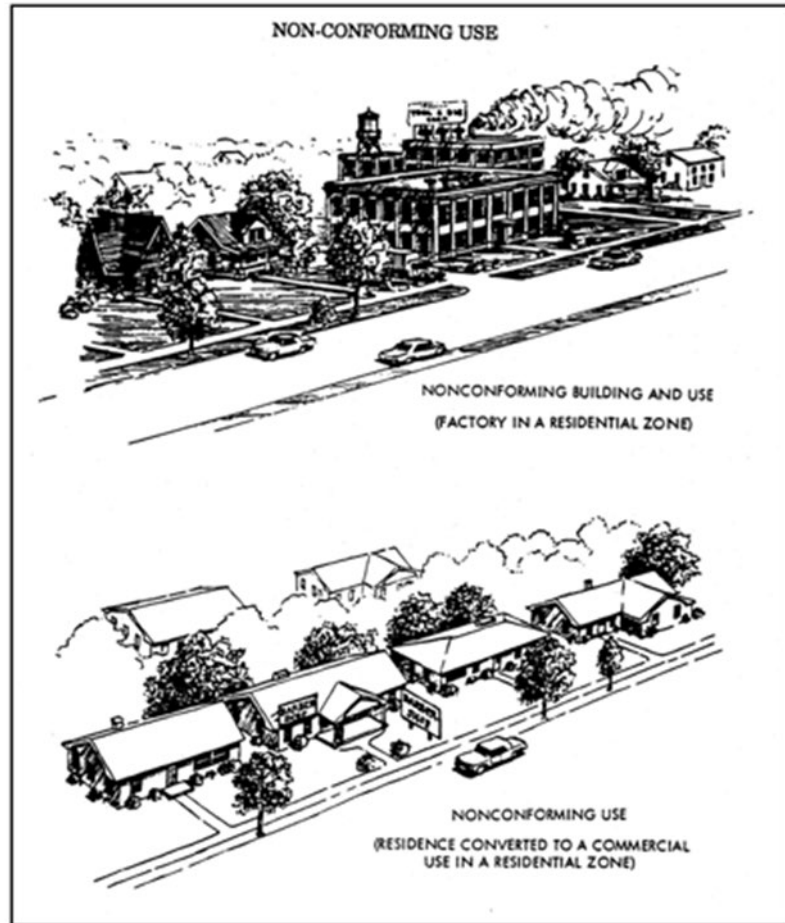


Illustration 2.7

**Open Air Business:** A business operating on a seasonal or temporary basis which is wholly or partially conducted outside of a building. This may include temporary locations for Christmas trees, pumpkins, fireworks, etc., but shall exclude outdoor display and sales as defined below. *(amended 06.04.12)*

**Outdoor Display and Sales:** Incidental sales and display area located outside of the principal building which does not exceed ten percent (10%) of the principal building area or one thousand (1,000) square feet, whichever is less. The outdoor display and sales shall be related to the existing principal use of the property. *(amended 06.04.12)*

**Outdoor Storage:** The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. *(added 02.01.16)*

**Outlot:** A parcel of land not subject to other conditions of a plat but which must be designated on a recorded plat as an outlot before it may be legally considered as such.

**Parcel:** *(amended 08.07.97)* A piece of land under single ownership and control that is at least sufficient in size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such parcel shall have frontage on a permanent easement, or a dedicated roadway or on a permitted private road as may be provided by appropriate ordinance. Such parcel may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or portions thereof;
- D. A piece of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this Ordinance.

**Parking Space:** An area of definite length and width designated for parking an automobile or motor vehicles, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

**Personal Wireless Service Antennae:** Antennae used to send or receive PWS signals. *(amended 08.21.97)*

**Personal Wireless Service (PWS) Facilities:** As initially defined by the Telecommunication Act of 1996 to include commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services and intended to include telecommunications by Cellular, Personal Communication Service (PCS) or Specialized Mobile Radio (SAR) methods. *(amended 08.21.97)*

**Personal Wireless Service Support Structure:** A structure used to support PWS antennae. *(amended 08.21.97)*

**Personal Wireless Service Tower:** A freestanding structure, attached to the ground and used to support PWS antennae. *(amended 08.21.97)*

**Places of Worship:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use. *(added 08.16.21)*

**Planned Unit Development:** A planned unit development (PUD) may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches. *(amended 04.10.86)*

**Planning Commission:** The Planning Commission of the Charter Township of Orion.

**Principal Use:** The main use to which the premises are devoted and the main purpose for which the premises exist.

**Private Road:** See Street, Private.

**Public Service Facilities:** These include such uses and services as voting booths, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

**Public Utility:** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing to the public under governmental regulations, electricity, gas, steam, communications, telegraph, transportation, water services, sewers or sewage treatment.

**Recognizable and Substantial Benefit:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and use(s). Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of reduction in the degree of nonconformity of a nonconforming use or structure.

**Recreational Vehicle:** These uses shall be defined as follows: *(added 11.15.10)*

- A. Boats and Boat Trailers. Includes boats, jet skis, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- B. Folding Tent Trailer. A canvas folding structure mounted on wheels and designed for travel and vacation use.
- C. Motor Home. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. Other Recreational Equipment. Includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
- E. Pickup Camper. A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- F. Travel Trailer. A portable vehicle on a chassis which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a “travel trailer” by the manufacturer.

**Refuse:** Solid wastes, except human or animal wastes and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleaning, solid market and solid industrial waste.

**Restaurant:** A restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a drive-in, drive through, fast food, or full service restaurant, or a combination thereof, as defined below. Restaurant use may also include outdoor patio with tables and chairs. *(added 02.16.10)*

**Restaurant, Drive-In:** A drive-in restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and whose method of operation involves delivery of the prepared food, so as to allow their consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed structure.

**Restaurant, Drive-Through:** A drive-through restaurant is any establishment whose principal business is the sale of food, desserts, or beverages to the consumer in a ready-to-consume state, and whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

**Restaurant, Fast-Food:** A fast-food restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customers in a ready-to-consume state, and whose method of operation involves delivery



of the prepared food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, but not in a motor vehicle on the site.

**Restaurant, Full-Service:** A full-service restaurant is any establishment whose principal business is the sale of foods, desserts, or beverages to the customers in a ready-to-consume state, and whose method of operation involves the delivery of the prepared food by waiters or waitresses to customers seated at tables within a completely enclosed building.

**Restaurant, Outdoor Café:** An outdoor area adjoining a restaurant consisting of tables, chairs, plantings and related decorations, where one (1) or more of the following is provided: live music, amplified music, dancing, staged entertainment or service of alcoholic beverages. *(added 02.16.10)*

**Restaurant, Outdoor Patio:** An outdoor area adjoining a restaurant consisting of tables and chairs, and which is limited to a size which is not greater than twenty-five (25%) percent of the gross floor area of the restaurant that does not include live music, amplified music, dancing, stage entertainment or service of alcoholic beverages. *(added 02.16.10)*

**Right-of-Way:** Land used or to be used, either public or private, to facilitate pedestrian and/or vehicular movement.

**Road:** A public or private right-of-way which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and any other thoroughfare, except an alley or driveway to a building. A road also includes the land between the road lines, whether improved or unimproved. *(amended 04.21.03)*

Major Thoroughfare. An arterial road of great continuity which is intended to serve as a large volume traffic-way for both the immediate Municipality area and region beyond, and which may be designated in the Township's Major Thoroughfare Plan as a major thoroughfare, parkway, expressway, or equivalent term to identify those roads comprising the basic structure of the road plan. Major thoroughfares shall also have an existing or proposed right-of-way of one hundred twenty (120) feet or more.

Collector Road (Arterial). A road used primarily to carry traffic from a minor road to a major thoroughfare. Collector roads (arterials) shall be the roads so designated in the Master Plan of the Township as having an existing or proposed right-of-way of at least eighty-six (86) feet but not more than one hundred twenty (120) feet.

Local Road. A road of limited continuity used primarily for access to abutting residential properties.

Marginal Access Road. A minor road paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

Boulevard. A road developed to 2 two-lane, one-way pavements, separated by a median.

Turn-Around. A short boulevard permanently terminated by a vehicular turn-around.

Cul-de-Sac. A minor road of short length, having one (1) end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Loop Road. A minor road of short length with two (2) openings to traffic, beginning from the same road, and projecting parallel to each other and connecting at their termination by a loop.



**Road, Private:** A road constructed within a dedicated right-of-way, in accordance with this Ordinance, which provides vehicular access to one (1) or more parcels, where said right-of-way and road have not been dedicated to the Road Commission for Oakland County, or other public jurisdiction. (See Illustration 2.10) *(amended 04.21.03)*

**Road, Public:** A road accepted, by dedication or otherwise, by the Road Commission for Oakland County or the Michigan Department of Transportation. *(amended 04.21.03)*

**Roadside Stands:** A temporary or permanent building operated for the purpose of seasonally selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

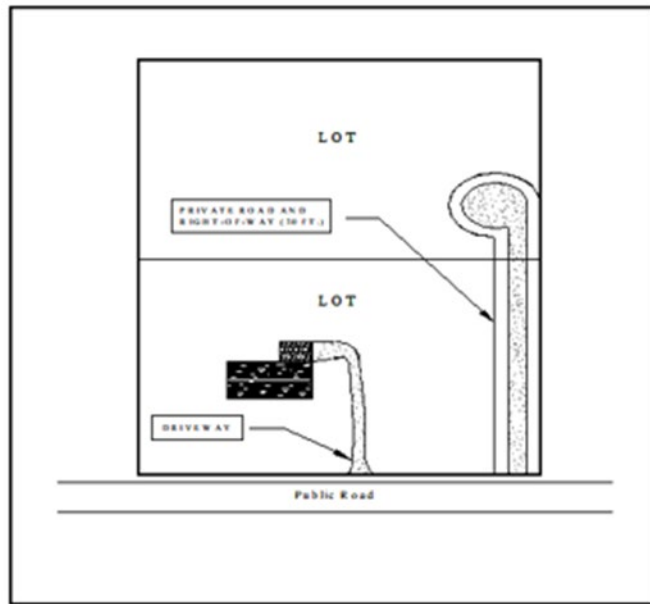


Illustration 2.10

**Rubbish:** The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and office, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, or any similar or related combinations thereof.

**Setback:** A setback is the distance required between a front, side or rear property line and any part of a structure on the lot in order to conform to the required yard setback provision of this Ordinance. For the purposes of this Ordinance, the minimum building line shall be the same as the front setback line. *(amended 04.10.97)*

**Sign:** A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Customary displays or merchandise or objects and material without lettering placed behind a store window are not signs. This definition includes the base, frame and support members of a sign. *(amended 02.21.06, 05.04.20)*

**Small Multiplex Residential:** Small multiplex residential is multiple family building type consisting of single structures that contain three or four units. These units are attached side-by-side and/or stacked. At least two units are accessed from a shared pedestrian entry facing a street, and other units are accessed from a side or rear door or they may also be accessed from the common entryway facing the street. Yard space is provided on all four sides. Each dwelling unit has separate housekeeping, cooking and bathroom facilities. This building type shall be designed to have the appearance of a detached, single family dwelling unit when viewed from the street. *(added 06.15.20)*

**Soil Removal:** The removal from the premises of any kind of soil or earth matter which includes topsoil, sand, gravel, clay or similar materials or any combination thereof, except for soil removal related to common household gardening and general farm care.

**Special Land Use:** Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular district or districts. After due consideration of the impact of each such use upon neighboring land and of the public need for the particular use at the particular location, such special land uses may or may not be permitted by the Planning Commission, subject to the terms of this Ordinance.

**Stable, Private:** A stable is an enclosed structure intended for the keeping of horses, cows, and other livestock for the noncommercial use of the residents of the principal use, provided, however, that two and one-half (2-1/2) acres of

land is required for the first horse or other animal and one (1) acre apiece for each additional horse or animal. A stable shall not include the keeping of horses or other animals for others, or for commercial boarding.

**Stable, Public:** A stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land of not less than forty (40) acres.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the State under the Adult Foster Care Facility Act, and provides residential services for six (6) or fewer persons under 24-hour supervision or care. (amended 08.06.07)

**Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or, if there be no floor above it, then the ceiling above. A "mezzanine" shall be deemed a full story when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more. (See Illustration 2.8)

**Story, Ground:** The lowest story which cannot be considered a basement in a building.

**Story, Half:** The part of a building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed two-thirds (2/3) the floor area of said full story.

**Street:** See Road.

**Street, Private:** See Road, Private.

**Street, Public:** See Road, Public.

**Structure:** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground.

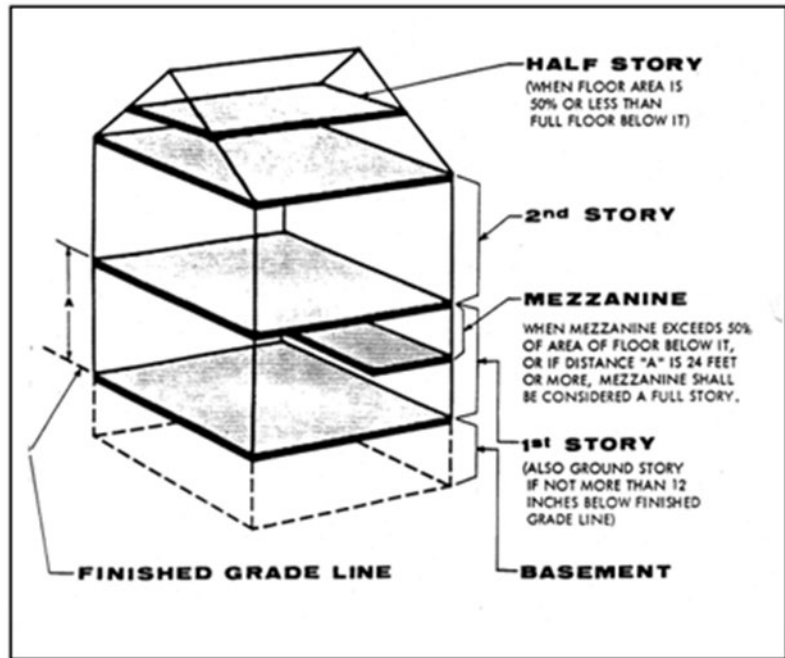


Illustration 2.8

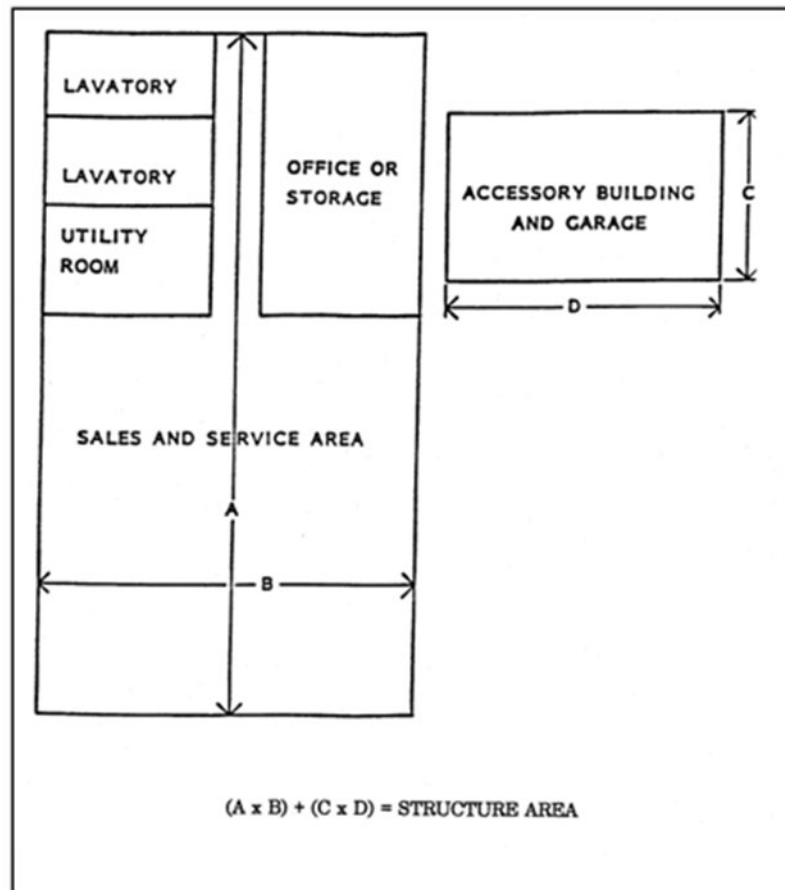


Illustration 2.4

Structures include principal and accessory buildings, farm buildings, mobile homes, swimming pools, and signs.

**Structure Area:** The sum of the gross horizontal areas of all floors, measured from the outside walls of the principal building and all accessory buildings, including basements, elevator shafts, and stairwells at each story, floor space used for mechanical equipment, penthouses, half stories, mezzanines, and interior balconies. (See Illustration 2.4)

**Structural Alteration:** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders or any change in the width or number of exits, or any substantial change in the roof.

**Subdivision Plat:** The division of land in accordance with the Plat Act, Act 288 of the Public Acts of 1967, as amended.

**Swimming Pool:** Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**Swimming Pool Club, Private (Non-Profit):** A private club incorporated as a non-profit club or organization, maintaining and operating a swimming pool, with specified limitations upon the number of members, or limited to residents of a block, subdivision, neighborhood, community, or other specified area of residence, for the exclusive use of members and their guests.

**Swimming Pool, Private:** A swimming pool and the apparatus and equipment pertaining to the swimming pool maintained by an individual for the sole use of his household and guests without charge for admission and not for the purpose of profit or in connection with any business operated for profit, located on a lot as an accessory use to a residence.

**Tattoo and Body Art Piercing:** Means any facility that provides, as a principal function, the service of providing a tattoo, an indelible mark, figure or appendage, fixed upon the body by placement of a pigment, dye or other insertion under the skin, or by production of scars. *(added 02.19.08)*

**Temporary Building or Use:** A structure or use permitted by the Board of Appeals to exist during periods of construction of the main use, or for special events.

**Townhouse Residential:** A townhouse is a multiple family building type consisting of at least two stories. Three or more attached units are placed side by side. Each dwelling unit has separate housekeeping, cooking and bathroom facilities. Private open space is typically provided in the rear yard but may also be available in a side yard or front yard for some units. These units are also referred to as row houses and brownstones. *(added 06.15.20)*

**Township:** The Charter Township of Orion, Oakland County, Michigan.

**Township Board:** The Township Board of the Charter Township of Orion, Oakland County, Michigan.

**Travel Homes (also Travel Trailers):** Any structure intended for or capable of human habitation, sleeping or eating, mounted upon wheels and capable of being moved from place to place, either by its own power or power supplied by some other vehicle attached thereto. This definition shall include all such vehicles eight (8) feet or under in width and thirty-two (32) feet or under in length. Such definition shall include travel trailers, motor homes, campers, etc.

**Underlying Zoning:** The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate the property Planned Unit Development.

**Usable Floor Area:** Eighty percent (80%) of the gross floor area.

**Use, Accessory:** An accessory use is a use which is clearly incidental to, customarily found in connection with, and is located on the same zoning lot as, the principal use to which it is related.

**Uses, Ancillary:** An ancillary use is a permitted land use that is secondary and complementary to the principal use, but not accessory. An example of an ancillary use is a freestanding or attached restaurant that is part of a 10-acre or larger office park. (See Brown Road Innovation Zone District) *(added 06.15.20)*

**Use, Permitted:** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

**Use, Principal:** The principal use is the main use of land and buildings and the main purpose for which the land and buildings exist.

**Use, Special Land:** Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular district or districts. (See "Special Land Use")

**Wireless Communication Facilities or Facility:** Shall mean all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals or other wireless communications services, and include wireless communications equipment, wireless communications support structures, and wireless communications equipment compounds, as defined herein. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham amateur radio facilities, private/stand-alone satellite dishes, essential services structures and facilities, and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Chapter, the following additional terms are defined: *(added 09.02.14)*

- A. Attached Wireless Communications Facilities shall mean wireless communication equipment attached to an existing wireless communications support structure or in an existing wireless communications equipment compound.
- B. Substantial change in physical dimensions means one or more modifications of the height, width, length, or area of a wireless communications facility at a location, the cumulative effect of which is to materially alter or change the appearance of the wireless communications facility.
- C. Wireless communications equipment means the equipment and components, including antennas, transmitters, receivers, base stations, equipment shelters or cabinets, emergency generators, and power supply, coaxial and fiber optic cables used in the provision of wireless communications services, but excluding wireless communication support structures.
- D. Wireless communications equipment compound means a delineated area surrounding or adjacent to the base of a wireless communications support structure within which any wireless communications equipment related to that support structure is located.
- E. Wireless Communication Support Structures or Support Structures shall mean structures designed to support or capable of supporting wireless communication equipment. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, utility poles, wood poles and guyed towers, buildings, or other structures with such design capability.
- F. Collocation shall mean the location by two (2) or more cellular communication providers of cellular communication facilities on a common wireless communication support structure.

**Variance:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**Veterinary Clinic:** A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

**Wetlands:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following: *(added 09.17.07)*

- A. Contiguous to an inland lake or pond, or a river or stream.
- B. Not contiguous to an inland lake or pond, or river or stream; and more than two (2) acres in size.
- C. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size, if the Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the State from pollution, impairment, or destruction, and the Department has so notified the owner.
- D. Two (2) acres or less in size if the Township determines that the protection of the area is essential to the preservation of the natural resources of the Township from pollution, impairment, or destruction, and provided that the Township has made a determination that the wetland meets at least one of the criteria set forth in Section 5.00 (B) (1-10) of Ordinance No. 107.

**Wind Energy Conversion System (WECS):** Any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of electrical energy greater than one (1) kilowatt. *(added 02.01.10)*

- A. Private WECS: Any WECS that is accessory to a principal use located on the same lot, and is designed and built to serve the needs of the principal use which may provide some electricity back into the power grid when needs of principal use are exceeded.
- B. Commercial WECS: Any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise and/or for profit.
- C. Temporary WECS: Any WECS not permanently affixed to a structure or the ground and will serve a need for no more than 365 days.

**Manual and Automatic Controls:** A device that gives protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.

**Authorized Factory Representative:** An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.

**Professional Engineer:** Any licensed engineer registered in the State of Michigan.

**Utility Scale Wind Farm:** All wind farms that produce greater than fifty (50) kilowatts of energy.

**Facility Abandonment:** Out of production for a period of time more than 365 days.

**Shadow Flicker:** A term used to describe what happens when rotating wind turbine blades pass between the viewer and the sun, causing an intermittent shadow.

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance. The measurement of a yard is the minimum horizontal distance between the lot line and the building or structure. (See Illustration 2.3)

**Yard, Front:** An open space extending the full width of the lot. The depth of the front yard shall be the minimum horizontal distance between the front lot line and the nearest line of the building on the lot.

**Yard, Rear:** An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line or zoning district line, whichever is closer to the building and the nearest point of the main building.

**Yard, Side:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line or zoning district line, whichever is closer to the building and the nearest point of the main building.

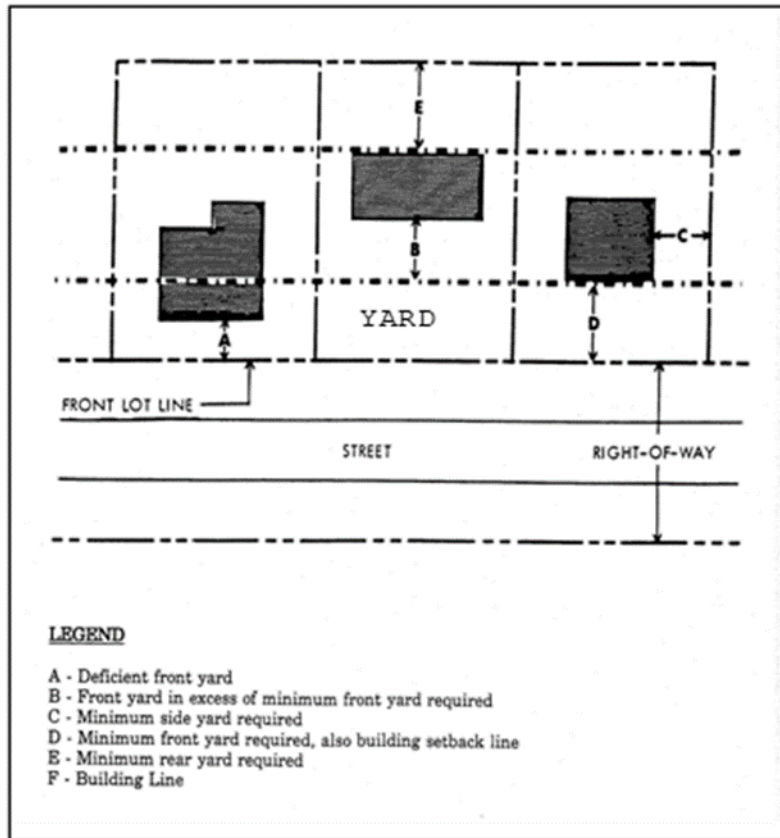


Illustration 2.3

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**Section 3.00 – Zoning Districts Established** *(amended 04.19.90, 02.01.16, 07.16.18, 06.19.23)*

For the purposes of this Ordinance, the Charter Township of Orion is hereby divided into the following Zoning Districts:

Single Family Residential Districts – SF, SE, SR, R-1, R-2, R-3

Multiple Family Residential Districts – RM-1, RM-2

Mobile Home District – MHP

Office & Professional District – OP

Restricted Business District – RB

General Business District – GB

Limited Industrial District – LI

Industrial Park District – IP

Industrial Complex District – IC

Railroad Freight Yard District – RFY

Special Purpose Districts – SP-1, SP-2

Recreation Districts – REC-1, REC-2

Brown Road Innovation Zone - BIZ

In addition, sections of the above Zoning Districts may be located in unbuildable areas within flood plains and other water areas. Any areas which appear to be undesignated on the Zoning Map are hereby designated as R-1 Single Family Residential.

**Section 3.01 – Zoning District Boundaries**

The boundaries of the Zoning Districts enumerated in Section 3.00 are hereby established as shown on the Zoning Map, Charter Township of Orion, which this text and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

**Section 3.02 – Interpretation of Zoning District Boundaries**

Where, due to the scale, lack of details, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application to the Zoning Board of Appeals. The Board, in arriving at a decision on such matters, shall apply the following standards:

- A. The boundaries of zoning districts are intended to follow centerlines of alleys, streets, or other rights-of-way, water courses, or lot lines, or be parallel or perpendicular thereto, unless such district boundary lines are otherwise clearly indicated on the Zoning Map.
- B. Where district boundaries are so indicated that they approximately follow lot of record lines, such lines shall be construed to be boundaries.



- C. In unsubdivided property, or where a district boundary divides a lot of record, the location of such boundary, unless shown by dimensions of the Zoning Map, shall be determined by use of the map scale shown thereon.
- D. The Zoning Board of Appeals may request a recommendation regarding a district boundary question from the Township Planning Commission.

**Section 3.03 – Conformity to Ordinance Regulations**

- A. No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, constructed, moved or altered, except in conformity with the regulations specified in this Ordinance.
- B. Except as otherwise provided herein, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards, and other pertinent factors are hereby established as stated in the detailed provisions for each of the Zoning Districts.
- C. A use permitted, subject to special approval, shall be a use of land or buildings requiring some measure of individual consideration, and therefore, subject not only to the minimum requirements specified for such use in the Zoning District in which such use is located plus applicable requirements found elsewhere in this Ordinance, but also to any special conditions imposed in this Ordinance and the approval of the Township Planning Commission. In evaluating and deciding each application for such permission, the Commission shall apply the standards contained in Section 30.02, Special Land Uses, of the Ordinance and any special conditions imposed in this Ordinance.

**Section 3.04 – Zoning of Vacated Areas**

Whenever any street, alley, or other public way is vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same Zoning District as the property to which it is attached.

**Section 3.05 – District Requirements**

All buildings and uses in any district shall be subject to the provisions of Article XXVII, General Provisions, and Article XXVIII, General Exceptions.

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**ARTICLE IV, SECTION 4**

This Section deleted in its entirety and combined with Article V, Section 5, as part of Ordinance 78-61, adopted by the Charter Township of Orion Board of Trustees at its Regular Meeting of Monday, April 16, 1990.

*(effective 04.19.90)*

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5.03 SF

**Section 5.00 – Suburban Farms (SF), Suburban Estates (SE), and Suburban Ranch (SR) Preamble** *(amended 04.19.90, 07.16.18)*

The Suburban Farms, Suburban Estates and Suburban Ranch Districts are intended to provide open land area for orderly residential growth, continued agricultural use and residential activities of a semi-rural character in areas that may or may not be served by public water and sewerage facilities. It is further intended that the district protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density, family life, and to maintain and to preserve the semi-rural character of the Township. *(amended 08.17.95)*

**Section 5.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

*Zoning District Chart Next Page*

LAND USE <i>(added 07.16.18, amended 05.04.20, 08.26.21)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>	<b>SF, SE, SR</b>	
Land Use		
Single family detached dwellings.	P	
Agriculture and farming use including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar agricultural enterprises or use of land and structure.	P	<i>C, J</i>
Mobile homes	P	<i>K</i>
Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.	P	
Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.	P	
Publicly owned and operated municipal buildings, libraries, parks, parkways and recreational facilities.	S	
Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education.	S	
Places of Worship	S	<i>D</i>
Cemeteries	S	<i>E</i>
Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (but not including service or storage yards), when operating requirements necessitate the location of such facilities within the district in order to serve the immediate vicinity.	S	
Convalescent homes not to exceed a height of three (3) stories	S	<i>F</i>
Day care centers	S	<i>G</i>
Bed and breakfasts	S	<i>H</i>
Adult group day care homes, adult foster care small group homes, adult foster care large group homes, child group day care homes	S	<i>I</i>
Accessory Land Use		
Accessory buildings, structures and uses, customarily incidental to any of the principal uses, when located on the same property and not involving any business, profession, trade or occupation other than provided for in the SF, SE, or SR districts.	P	<i>J</i>
A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence.	P	<i>A</i>
Farm buildings and greenhouses.	P	<i>J</i>
Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or use of land and structure.	P	
Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.	P	
Tree and shrub nurseries.	P	
<u>Within SF District only.</u> Agribusiness uses for sale of fruit, vegetables, eggs, etc. such as but not limited to farm markets, fruit and vegetable stands. Such uses shall be part of a farm on which the product to be sold is raised or grown.	P	<i>B</i>
Private stables	P	<i>C, J</i>
Home occupations shall be permitted in any residential dwelling, provided that such home occupations conform to the standards set forth in Section 27.02 (B) of this Ordinance.	P	
Accessory buildings, structures and uses customarily incidental to any of the special land uses listed above when located on the same property and not involving any business, profession, trade or occupation other than provided for in the Suburban Farms, Suburban Estate, or Suburban Ranch Zoning District.	S	<i>J</i>

**Section 5.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. In addition, one (1) commercial vehicle may be parked on site or as permitted on the street in the residential district only in accordance with the following conditions:
1. The vehicle shall be used as the principal means of transportation of a resident of the dwelling and as an integral part of their employment, business or profession.
  2. The commercial vehicle is not a dump truck, stake truck, flatbed truck, wrecker, septic tank pumper, semi-tractor, tanker truck, well-drilling rig, welding truck, semi-trailer or any type of commercial or construction equipment. Construction equipment is further defined in Article II of this Ordinance.
  3. No part of the vehicle shall exceed nine (9) feet in overall height measured from the ground, nor shall the vehicle exceed twenty-one (21) feet in length.
  4. The vehicle has no exposed outside storage of lumber, tools, pipes, glass or building material.
  5. The vehicle has no more than one (1) rear axle & it does not exceed a three (3) ton payload capacity.

However, the parking or storage of commercial vehicles or commercial equipment shall be allowed in any zoning district where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service. Utility service vehicles, emergency service vehicles and agricultural vehicles are also exempt from these provisions.

Parcels having greater than five (5) acres shall be exempt from the commercial vehicle regulations. However, all commercial vehicles shall be parked no closer than one hundred (100) feet from the adjoining property lines and no more than two (2) such vehicles shall be parked or stored on site at any one time.

- B. Sales of all produce raised on farms which the individual operates within the Township is permitted from one location and subject to the following requirements:
1. The maximum floor area of any building used for agribusiness sales shall be eight hundred (800) square feet.
  2. All buildings shall have a front setback of at least fifty (50) feet from the edge of the proposed road right-of-way as designated on the Township Master Plan.
  3. A twenty-five (25) foot wide greenbelt shall be provided along any side lot line where the adjoining lot is used for residential purposes.
  4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
  5. There shall be no more than two (2) freestanding or ground signs, neither sign to exceed twelve (12) square feet of sign area.
  6. All ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) streets measured from the proposed right-of-way lines.
  7. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers.
- C. Private stables shall be permitted provided that they are designed, maintained, and used in a manner that does not create a nuisance for adjoining residents or the community at large, and provided further, that the following lot area requirements are complied with:

Number of Animals	Minimum Parcel Size
1	2.5 Acres
2 or more	1 additional acre for each animal

1. Private stables shall not be closer to any property line than seventy (70) feet; provided further, that the tethering and pasturing of animals shall be confined and fenced entirely in the rear yard area and shall in no instance be closer than seventy (70) feet to any dwelling unit.
  2. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.
  3. Animals shall be provided with a covered and enclosed shelter of adequate size to accommodate all animals kept on the premises and subject to setbacks.
- D. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, places of worship within the District shall be subject to the following *(amended 08.16.21)*:
1. Minimum site size of two (2) acres and a maximum of five (5) acres for a place of worship site; a minimum of five (5) acres if proposed use includes a place of worship school.
  2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
  3. No building shall be closer than forty (40) feet to any property line.
  4. Off-street parking shall be provided on the site in a ratio of one space for every three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future expected traffic.
- E. Subject to the following:
1. The minimum site area shall be not less than twenty-five (25) acres and shall not be located within two hundred (200) feet of a residential dwelling unit.
  2. All sides of the cemetery shall be adequately screened from any residential zoning district or use by an earth berm at least six (6) feet in height or by a masonry wall at least six (6) feet in height.
  3. Approval by the Planning Commission shall not be given until a satisfactory drainage plan has been approved by the Township Engineer.
  4. Minimum side, front, and rear yard setback on all improvements shall be at least fifty (50) feet.
- F. When the following conditions are met:
1. The site shall be developed to create a lot area-to-bed space ratio of at least fifteen hundred (1,500) square feet of parcel area per each one (1) bed in the convalescent home. This minimum fifteen hundred (1,500) square foot per bed requirement is over and above the principal building coverage area. However, this requirement space may contain service drives, off-street parking, loading area, yard requirements, landscaping and/or accessory uses.
  2. No building shall be closer than forty (40) feet to any property line.
  3. A site of at least five (5) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.



4. Off-street parking shall be provided in a ratio of one space for each bed within the convalescent homes.

G. Subject to the following conditions:

1. The site shall contain a minimum area of one (1) acre, including road right-of-way.
2. All vehicular access to the site shall be directly to a major thoroughfare or collector street and driveways shall be designed so that vehicles can exit the site without having to back onto the thoroughfare or street.
3. Building setbacks shall be not fewer than forty (40) feet.
4. The outdoor plan space shall have a minimum area of not fewer than five thousand (5,000) square feet or one hundred fifty (150) square feet for each child cared for, whichever is greater. Such space shall be enclosed by a four (4) foot high fence. Any gates shall be provided with a control mechanism for locking.
5. Off-street parking shall be provided on the site at a ratio of one (1) space for each three hundred (300) square feet of gross floor area.

H. Bed and Breakfasts shall be subject to County licensing provisions and shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood or cause concerns regarding traffic and safety. Bed and Breakfasts shall further be subject to the following:

1. Floor plans and elevation changes, drawn to scale for all floors to be utilized for Bed and Breakfast activities, shall be submitted to the Township.
2. Bed and Breakfast operations shall be subject to the following size limitations:
  - a. Not more than four (4) bedrooms shall be utilized for bed and breakfast lodging in any one facility.
  - b. The maximum size of a bed & breakfast residence shall not be more than four thousand five hundred (4,500) sq. ft. This shall include all bedrooms, sitting areas, dining, or kitchen facilities or other habitable space used for bed & breakfast or owner residential use.
  - c. The minimum lot area for bed and breakfast facilities shall be fourteen thousand (14,000) sq. ft.

The above standards may be waived or modified by the Planning Commission when it is determined that compliance with all of the above size limitations is unreasonable. The above standards shall however be applied to the maximum extent possible. Suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission if the applicant demonstrates any of the following:

- i. The bed and breakfast operation will not have a negative impact on the surrounding neighborhood.
  - ii. The size of the lot on which the bed and breakfast facility is proposed is of sufficient size to offer setbacks which exceed the R-1, Single Family Residential, setback requirements to neighboring properties and adequate room for the parking of automobiles.
  - iii. The bed and breakfast facility will operate in a designated or recognized historic structure.
3. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
4. Occupancy shall be of a transient nature for periods not to exceed seven (7) days (one week) in duration in any one (1) month by any transient occupant. A guest registry indicating name, address, phone number, and

vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the Township for inspection upon request.

5. An unlighted sign not exceeding six (6) square feet in area and not more than four (4) feet above grade may be provided. Such sign may be provided as a ground sign or a wall sign. The sign shall be designed in a manner compatible with the bed and breakfast facility and shall be designed with colors and style which are nonobtrusive to the surrounding residential neighborhood. Details of the proposed sign shall be submitted and reviewed by the Planning Commission.
  6. Off-street parking shall be provided based upon one (1) space for each rental room and one (1) space for the operator of the facility. It is the Township's intent to not encourage yards to be destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the Planning Commission. To request special consideration, the applicant shall submit an analysis of parking required and parking provided within a three hundred (300) foot radius of the subject parcel. After analyzing this data, the Planning Commission may lower the number of the required parking spaces based on the fact that sufficient off-street or on-street parking exists in the neighborhood.
  7. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the owner and said owner shall live on the premises when the bed and breakfast operation is active.
  8. All such facilities shall comply with all applicable local, county, and state building, occupant living area, plumbing, electrical, mechanical, and fire and health codes.
- I. Subject to the following conditions:
1. Such homes shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities:
    - a. Another State licensed adult or child group day care home.
    - b. Another State licensed adult foster care small group home or large group home.
    - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people.
    - d. A community correction center, resident home, halfway house, or other similar facility.
  2. No more than two (2) identifiable off-street parking spaces shall be provided for employees, in addition to the two (2) required for the residence.
  3. Compliance with all requirements set forth by the state for the issuance of a day care license, including, but not limited to, the enclosure of any play areas with a four (4) foot high fence.
- J. The maximum height of any farm structure, such as a barn, silo, or similar structure, shall be forty (40) feet.
- K. A mobile home may be used as a single-family dwelling on a lot outside of a mobile home park, if the following standards and requirements are met. These standards and requirements shall not necessarily apply to a mobile home located in a licensed mobile home park:
1. Lot Requirements
    - a. Not more than one mobile home (single or double-wide) shall be used as a single-family dwelling on a lot, nor shall a mobile home be placed on any lot on which another single-family dwelling is located.
    - b. A mobile home shall not be used as an accessory building on any residential lot.

- c. Unless otherwise specified herein, mobile homes used outside of mobile home parks shall conform to all of the requirements and standards in the zoning district in which the mobile home is located.
2. Minimum Floor Area, Floor Width, and Building Bulk Requirements
  - a. The minimum exterior width of the main body shall not be less than twenty (20) feet at any point
  - b. The mobile home shall comply with the minimum square footage (floor area) requirements for the zoning district in which it is located.
  - c. The minimum interior floor-to-ceiling height shall not be less than seven (7) feet, six (6) inches.
3. Foundation Requirements
  - a. A mobile home shall be attached to a permanent foundation or basement not less in area than the perimeter of the dwelling. The foundation and/or basement shall be constructed in accordance with the adopted building code of Orion Township.
  - b. The mobile homes shall be installed according to the manufacturer's setup requirements and secured using an anchoring system that meets the Michigan Mobile Home Commission requirements.
  - c. The wheels, tongue and hitch assembly, and other towing appurtenances shall be removed before attaching the mobile home to its foundation.
4. Utilities
  - a. Mobile homes in single family districts shall be connected to public water and sewer facilities, if available, or to a private facility approved by the Oakland County Health Department.
5. Exterior Design and Appearance
  - a. The exterior design and appearance of a mobile home in a single-family district shall be similar or closely compatible to that found on conventional single family, stick-built homes in the surrounding area. Accordingly, mobile homes in single family districts shall meet the following standards:
    - i. Covering: Exterior walls, including the roof line, shall be covered with materials that are common in color, texture, malleability, direction of joints, and method of fastening to exterior materials used on conventionally constructed homes typically found in the surrounding area.
    - ii. Pitch of Roof: The roof overhang and pitch shall be comparable to the overhang and pitch of conventionally-constructed homes typically found in the surrounding area, provided the pitch of the roof shall not be less than one (1) foot of rise for each three (3) feet of horizontal run.
    - iii. Roof: The roofing material shall be shake, tile, composition, shingle or other material commonly found on conventionally constructed homes in the surrounding area. The roof drainage system shall be designed to collect & concentrate the discharge of rain & snowmelt waters & prevent roof drainage along the sides of the dwelling.
    - iv. Entrances/Exits: Mobile homes shall have no fewer than two (2) permanent exterior doors for entrance and exit, either at the front and rear or front and side of mobile home, depending on the placement of doors on the majority of conventionally-constructed homes in the surrounding area.
    - v. Steps: Each door shall have a porch with steps permanently attached to the exterior door area and to the ground. Such steps and porches shall be comparable to the steps and porches used on conventionally constructed homes typically found in the surrounding area and shall comply with the regulations set forth in the adopted Building Code of Orion Township.

- vi. Windows: Window glass shall be recessed at least 1-1/2 inches behind exterior surface of the siding on a mobile home. All windows shall comply with the height and width requirements of the adopted Building Code of Orion Township.
  - vii. Garage: A mobile home shall have a one or two car garage if the majority of homes in the surrounding area also have garages.
  - viii. Mechanical Equipment: Mechanical equipment, except for room air conditioners and television antennae, shall be concealed from view from the public right-of-way.
6. Construction Standards
- a. Mobile homes in single family districts shall comply with the adopted Building Code of the Charter Township of Orion, with the U.S.U. Department of Housing and Urban Development(HUD) Mobile Home Construction & Safety Standards being 24 CFR, PART 1700 to end, PART 3280, *et seq*, & with all other applicable ordinances & public acts
7. Enforcement Officer Review
- a. It shall be the responsibility of the Enforcement Officer to determine if the proposed mobile home complies with the ordinance standards, including the requirement of compatibility with conventionally constructed homes typically found in the surrounding area. In determining compatibility, the Enforcement Officer shall compare the mobile home with existing homes located within two thousand (2,000) feet.
  - b. The Enforcement Officer's decision may be appealed to the Zoning Board of Appeals within a period of fifteen (15) days from receipt of the notice of the Enforcement Officer's decision.
8. Permits Required
- a. A building permit shall be obtained in accordance with Section 30.11 prior to any site or foundation construction and/or the moving of a mobile home onto a site in Orion Township
  - b. No mobile home shall be occupied until a certificate of occupancy has been issued in accordance with Section 30.13 of this Ordinance.

**Section 5.03 – Safety Path and Sidewalk Requirements** *(amended 01.05.87, 02.03.03)*

Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required of all developers in conjunction with the development of parcels in these zoning districts. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. The sidewalks shall conform to the requirements of Ordinance No. 97.

**Section 5.04 – Area and Bulk Requirements** *(amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)*

Please see the Matrix Chart in Section 5.01 for variations to these requirements by use.

	SF	SE	SR
Minimum Lot Area	2.5 acres or 108,900 sq. ft. of gross area	1.5 acres or 65,340 sq. ft. of gross area	30,000 sq. ft. or gross area
Minimum Width of Lot	165 ft.	165 ft.	120 ft.
Minimum Lot Setbacks			
Front Yard*	40 ft.	40 ft.	40 ft.
Each Side Yard**	20 ft.	20 ft.	20 ft.
Rear Yard	40 ft.	40 ft.	40 ft.
Minimum Floor Area/Unit	1,200 sq. ft.	1,200 sq. ft.	1,500 sq. ft.
Maximum Lot Coverage	20% - all structures		
Total Maximum Floor Area of All Accessory Buildings	See Section 27.02, A, 8		
Height of Structures	Habitable structure - 2 stories, up to 30 feet. Any existing structures higher than this maximum shall remain conforming to Zoning Ordinance requirements in reference to height.		
<p>* Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.</p> <p>** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.</p>			

**Section 5.05 – Sign Regulation** *(amended 10.08.98, 02.21.06)*

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

**Section 5.06 – Tree Preservation Regulations** *(amended 08.03.00)*

The tree removal permit requirements apply to developments in this District, according to the terms of Section 27.12.

**Section 5.07 – Wetland Setbacks** *(added 09.17.07)*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.

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**Section 6.00 – Preamble**

The R-1, R-2, and R-3 Single Family Residential Districts are intended to provide areas within the Township suitable for residential use in a family type atmosphere. It is intended that R-1, R-2, and R-3 Districts be developed in accordance with availability of public utilities. Thus, it is intended that areas be established where public utilities are not available while smaller lot areas be established only where public sewers are available. R-1, R-2, and R-3 zones are designated in accordance with the Township Master Plan objectives in keeping with the semi-rural character envisioned for the majority of the Township. Furthermore, it is intended that the designation of R-1, R-2, and R-3 Districts take into account and preserve the environment and physical characteristics of the land.

**Section 6.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

*Zoning District Chart Next Page*

<b>LAND USE</b> <i>(added 07.16.18, amended 05.04.20, 08.16.21)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b>	<b>R-1, R-2, R-3</b>	
<b>Land Use</b>		
Single family detached buildings.	P	
Agriculture & farming use, including livestock and poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or use of land or structures.	P	<i>C, O</i>
Mobile homes	P	<i>A</i>
Planned Unit Development, subject to standards & approval requirements set forth in Section 30.03.	P	
Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.	P	
Publicly owned & operated municipal buildings, libraries, parks, parkways, & recreational facilities.	S	
Public, parochial and private elementary, intermediate and/or high schools offering courses in general education.	S	<i>D</i>
Places of Worship	S	<i>E</i>
Cemeteries	S	<i>F</i>
Public utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.	S	
Publicly owned swimming and/or bathing beaches, as a principal use or an accessory use.	S	<i>G</i>
Land may be used for privately owned and operated parks, picnic groves or similar facilities for outdoor recreation which shall not be operated for profit, provided that such use does not impair the natural appearance of such land or tend to produce unreasonable noise or annoyance to surrounding properties, and provided further, that no use shall be made of any open land or water for boat liveries or commercial bathing beaches.	S	
Swimming pool clubs	S	<i>H</i>
Convalescent homes	S	<i>I</i>
Day care centers	S	<i>J</i>
Bed and breakfasts	S	<i>K</i>
Adult group day care homes, adult foster care small group homes, adult foster care large group homes, child group day care homes	S	<i>L</i>
<b>Accessory Land Uses</b>		
Accessory buildings, structures and uses, customarily incidental to any of the special land uses listed above when located on the same property and not involving any business, profession, trade or occupation other than provided for in R-1, R-2, and R-3 Single Family Residential Districts.	S	<i>O</i>
A garage designed and used for the storage of not more than three (3) vehicles owned and used by the occupants of the primary residence.	P	<i>B</i>
Private stables	P	<i>C, O</i>
Accessory buildings, structures and uses, customarily incidental to any of the principal uses, when located on the same property and not involving any business, profession, trade or occupation other than provided for in the R-1, R-2, and R-3 Single Family Residential Zoning District.	P	<i>O</i>
Home occupations shall be permitted in any residential dwelling, provided that such home occupations conform to the standards set forth in Section 27.02 (B) of this Ordinance.	P	
Poultry, rabbits, sheep and goats may be kept as an accessory use on a non-commercial basis for use on the premises	S	<i>M</i>
Private swimming pools, except those located within a principal use	P	<i>N</i>



**Section 6.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. A mobile home may be used as a single-family dwelling on a lot outside of a mobile home park, if the following standards and requirements are met. These standards and requirements shall not necessarily apply to a mobile home located in a licensed mobile home park.
1. Lot Requirements
    - a. Not more than one mobile home (single or double-wide) shall be used as a single-family dwelling on a lot, nor shall a mobile home be placed on any lot on which another single-family dwelling is located.
    - b. A mobile home shall not be used as an accessory building on any residential lot.
    - c. Unless otherwise specified herein, mobile homes used outside of mobile home parks shall conform to all of the requirements and standards in the zoning district in which the mobile home is located.
  2. Minimum Floor Area, Floor Width, and Building Bulk Requirements
    - a. The minimum exterior width of the main body shall not be less than twenty (20) feet at any point.
    - b. The mobile home shall comply with the minimum square footage (floor area) requirements for the zoning district in which it is located.
    - c. The minimum interior floor-to-ceiling height shall not be less than seven feet, six inches (7'6").
  3. Foundation Requirements
    - a. A mobile home shall be attached to a permanent foundation or basement not less in area than the perimeter of the dwelling. The foundation and/or basement shall be constructed in accordance with the adopted building code of Orion Township.
    - b. The mobile home shall be installed according to manufacturer's setup requirements, and secured using an anchoring system that meets the Michigan Mobile Home Commission requirements.
    - c. The wheels, tongue and hitch assembly, and other towing appurtenances shall be removed before attaching the mobile home to its foundation.
  4. Utilities
    - a. Mobile homes in single family districts shall be connected to public water and sewer facilities, if available, or to private facilities approved by the Oakland County Health Department.
  5. Exterior Design and Appearance
    - a. The exterior design and appearance of a mobile home in a single-family district shall be similar or closely compatible to that found on conventional single family, stick-built homes in the surrounding area. Accordingly, mobile homes in single family districts shall meet the following standards:
      - i. Covering. Exterior walls, including the roof line, shall be covered with materials that are common in color, texture, malleability, direction of joints, and method of fastening to exterior materials used on conventionally-constructed homes typically found in the surrounding area.
      - ii. Pitch of Roof. The roof overhang and pitch shall be comparable to the overhang and pitch of conventionally-constructed homes typically found in the surrounding area, provided the pitch of the roof shall not be less than one (1) foot of rise for each three (3) feet of horizontal run.

- iii. Roof. The roofing material shall be shake, tile, composition, shingle or other material commonly found on conventionally constructed homes in the surrounding area. The roof drainage system shall be designed to collect and concentrate the discharge of rain and snowmelt waters and prevent roof drainage along the sides of the dwelling.
  - iv. Entrances/Exits. A mobile home shall have no fewer than two (2) permanent exterior doors for entrance and exit, either at the front and rear or front and side of the mobile home, depending on the placement of doors on the majority of conventionally-constructed homes in the surrounding area.
  - v. Steps. Each door shall have a porch with steps permanently attached to the exterior door area and to the ground. Such steps and porches shall be comparable to the steps and porches used on conventionally constructed homes typically found in the surrounding area, and shall comply with the regulations set forth in the adopted Building Code of Orion Township.
  - vi. Windows. Window glass shall be recessed at least 1-1/2 inches behind the exterior surface of the siding on a mobile home. All windows shall comply with the height and width requirements of the adopted Building Code of Orion Township.
  - vii. Garage. A mobile home shall have a one- or two-car garage if the majority of homes in the surrounding area also have garages.
  - viii. Mechanical Equipment. Mechanical equipment, except for room air conditioners and television antennae, shall be concealed from view from the public right-of-way.
6. Construction Standards
- a. Mobile homes in single family districts shall comply with the adopted Building Code of the Charter Township of Orion, with the U.S. Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards being 24 CFR, PART 1700 to end, PART 3280, et seq, and with all other applicable ordinances and public acts.
7. Enforcement Officer Review
- a. It shall be the responsibility of the Enforcement Officer to determine if the proposed mobile home complies with the ordinance standards, including the requirement of compatibility with conventionally constructed homes typically found in the surrounding area. In determining compatibility, the Enforcement Officer shall compare the mobile home with existing homes located within two thousand (2,000) feet.
  - b. The Enforcement Officer's decision may be appealed to the Zoning Board of Appeals within a period of fifteen (15) days from receipt of the notice of the Enforcement Officer's decision.
8. Permits Required
- a. A building permit shall be obtained in accordance with Section 30.11 prior to any site or foundation construction and/or the moving of a mobile home onto a site in Orion Township.
  - b. No mobile home shall be occupied until a certificate of occupancy has been issued in accordance with Section 30.13 of this Ordinance.
- B. In addition, one (1) commercial vehicle may be parked on site or as permitted on the street in the residential district only in accordance with the following conditions:
- 1. The vehicle shall be used as the principal means of transportation of a resident of the dwelling and as an integral part of their employment, business or profession.

2. The commercial vehicle is not a dump truck, stake truck, flatbed truck, wrecker, septic tank pumper, semi-tractor, tanker truck, well-drilling rig, welding truck, semi-trailer or any type of commercial or construction equipment. Construction equipment is further defined in Article II of this Ordinance.
3. No part of the vehicle shall exceed nine (9) feet in overall height measured from the ground, nor shall the vehicle exceed twenty-one (21) feet in length.
4. The vehicle has no exposed outside storage of lumber, tools, pipes, glass or building material.
5. The vehicle has no more than one (1) rear axle and it does not exceed a three (3) ton pay load capacity.

However, the parking or storage of commercial vehicles or commercial equipment shall be allowed in any zoning district where such parking or storage is limited to vehicles or equipment engaged in the performance of a service on the adjacent or underlying property, for the period of time reasonably necessary to complete the service. Utility service vehicles, emergency service vehicles and agricultural vehicles are also exempt from these provisions.

- C. Private stables shall be permitted provided that they are designed, maintained, and used in a manner that does not create a nuisance for adjoining residents or the community at large, and provided further, that the following lot area requirements are complied with:

Number of Animals	Minimum Parcel Size
1	2.5 Acres
2 or more	1 Additional acre for each animal

1. Private stables shall not be closer to any property line than seventy (70) feet; provided further, that the tethering & pasturing of animals shall be confined & fenced entirely in the rear yard area & shall in no instance be closer than seventy (70) feet to any dwelling unit.
2. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.
3. Animals shall be provided with a covered and enclosed shelter of adequate size to accommodate all animals kept on the premises and subject to setbacks.

- D. Subject to the following conditions:

1. No building shall be closer than one hundred (100) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
2. Minimum site size of five (5) acres shall be required.

- E. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, places of worship within the District shall be subject to the following *(amended 08.16.21)*:

1. Minimum site size of two (2) acres and a maximum of five (5) acres for a church site; a minimum of five (5) acres if proposed use includes a church school.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
3. No building shall be closer than forty (40) feet to any property line.
4. Off-street parking shall be provided on the site in a ratio of one space for every three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current and future expected traffic.

F. Subject to the following:

1. The location of a cemetery may be permitted in any quarter section of any "R" District when the quarter section does not have more than fifty-one percent (51%) of its land area in recorded plats and the site shall consist of at least twenty-five (25) acres in size.
2. All sides of the cemetery shall be adequately screened from any residential zoning district or use by an earth berm at least six (6) feet in height or by a masonry wall at least six (6) feet in height.
3. Approval by the Planning Commission shall not be given until a satisfactory drainage plan has been approved by the Township Engineer.
4. Minimum side, front, & rear yard setback on all improvements shall be at least fifty (50) feet.

G. In allowing such use, the Planning Commission shall be guided by the following intent: Because the lakes located within the Township are small and developed residentially, it is the purpose of this Ordinance to allow public uses on the lakes but to control them in such a way that the character of residential areas will not be disturbed; to prevent overcrowding of the lake itself and to limit activities so they do not become a nuisance to residential areas. In order to carry out these intentions, the following conditions shall be met:

1. The site shall have a water frontage of not less than four hundred (400) feet.
2. A greenbelt buffer shall be provided where the site is abutting a residential district. Said buffer shall be a minimum of twenty (20) feet in width and shall be heavily planted in trees and shrubs so as to provide a full and continuous obscuring screen and to prevent unreasonable noise or annoyance to surrounding properties.
3. The beach site shall be provided with a protective fence six (6) feet in height and entry shall be provided by means of a controlled gate.
4. Activities shall be confined to swimming and boating with boats provided only by the agency operating such facility. Launching of private boats shall be prohibited.
5. The recreation facility shall be operated only during daylight hours. When not in use, the facility shall be secured in such a way as to prevent entrance.
6. The beach site shall be designed for, and its use restricted to, the number of persons who could be accommodated at any one time, based upon the following space requirements:
  - a. One (1) lineal foot of water frontage for every two (2) persons.
  - b. Two hundred (200) feet in depth for sunbathing and play as measured perpendicular from the water's edge.
  - c. One hundred (100) additional feet in depth for picnicking.
  - d. When the use is a principal use, there shall be an additional parking area depth of two hundred (200) feet and one (1) off-street parking space for each three (3) persons for which the maximum design capacity of the beach is designed.
7. The provisions of this section shall not apply to subdivision recreation parks.

H. Subject to the following conditions:

1. Swimming pool clubs shall be incorporated on a nonprofit basis and maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another specified geographic area within the Township as specified in said club's Articles of Incorporation.

2. Front, side and rear yards shall be a minimum of eighty (80) feet. There shall be no parking or structures permitted in these yards, except for an entrance drive and for those walls and/or fences used to obscure the use from abutting residential districts. The yards herein required shall be landscaped and planted in grass in accordance with a landscape plan submitted to and approved by the Township Planning Commission.
  3. Buildings erected on the premises shall not exceed one (1) story in height, except where, due to topography, a lower level shall be permitted when said lower level is entirely below the grade of the thoroughfare abutting the parcel in question.
  4. Off-street parking shall be provided equal to one (1) parking space for at least each four (4) member families, or individual members.
  5. Whenever required off-street parking is adjacent to land used for residential purposes, an obscuring wall or fence, at least six (6) feet in height, shall be provided along that entire side of the parking not including driveways.
  6. All parking shall be surfaced as required by this Ordinance.
  7. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence six (6) feet in height, and entry shall be provided by means of a controlled gate.
  8. All lighting shall be shielded to reduce glare and shall be so arranged as to reflect the light away from all residential districts and be confined to parking and pool areas.
- I. Not to exceed a height of three (3) stories, when the following conditions are met:
1. The site shall be developed to create a lot area-to-bed space ratio of at least one thousand five hundred (1,500) square feet of parcel area per each one (1) bed in the convalescent home. This minimum one thousand five hundred (1,500) square foot per bed requirement is over and above the principal building coverage area. However, this required space may contain service drives, off-street parking, loading area, yard requirements, and landscaping and/or accessory uses.
  2. No building shall be closer than forty (40) feet from any property line.
  3. A site of at least five (5) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.
  4. Off-street parking shall be provided in a ratio of one space for each bed within the convalescent home.
- J. Subject to the following conditions:
1. Building setbacks shall be not fewer than forty (40) feet or as required by the zoning district, whichever is greater.
  2. Day care centers shall be located on a major thoroughfare, regional thoroughfare or State trunkline, as per the adopted Master Plan.
  3. All driveways shall be designed so that vehicles can exit the site without having to back out onto a thoroughfare or collector road.
  4. Off-street parking shall be provided on the site at a ratio of one (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic.

5. One (1) loading/unloading space per every twenty (20) children shall be provided for pick-up and drop-off. For larger day care centers (over 100 children), provisions for school bus or van loading or unloading may also be required at the discretion of the Planning Commission. The Commission may also require a canopy adjacent to the loading area for shelter from the elements when a subject site has minimum available dedicated space for school bus or van parking areas.
  6. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following:
    - a. Hallways
    - b. Storage areas and cloakrooms
    - c. Kitchens
    - d. Reception and office areas
  7. The outdoor play area space shall have a minimum area of not fewer than one thousand five hundred (1,500) square feet, or seventy-five (75) square feet for each child, whichever is greater. Such space shall be suitably buffered from abutting residentially zoned or used land by a landscaped greenbelt, and shall be enclosed by at least a four (4) foot high fence. Any gates shall be provided with a control mechanism for locking.
  8. Each child day care center facility shall have a minimum site area of five hundred (500) sq. ft. per child and a minimum parcel lot area of one (1) acre.
  9. The Planning Commission shall consider the necessity for additional, appropriate conditions & safeguards to protect the health, safety & welfare of the children using the facility, including the necessity for additional fences, barriers, or other safety devices & buffers.
  10. Day care centers shall be landscaped and screened in accordance with Section 27.05.
  11. The drop off/pick up of children shall be provided at the entrance of the building. Access to all entry/exit doors and all sides of the building shall be provided in a manner acceptable to the Planning Commission, based on a recommendation from the Fire Chief.
  12. Day care centers within the R-1, R-2, or R-3 neighborhood areas shall have a maximum first floor building area of no greater than one hundred twenty five percent (125%) of the average first floor building area of residences within five hundred (500) feet of the subject parcel.
  13. Day care centers located within the R-1, R-2 or R-3 districts shall be aesthetically compatible in design and appearance with residential structures in the vicinity. The day care centers shall display similar roof designs, windows, facade materials, and landscaping as other residential structures in the area. The size, height, and scale shall also be compatible.
- K. Bed & Breakfasts shall be subject to County licensing provisions and shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood or cause concerns regarding traffic and safety. Bed and Breakfasts shall further be subject to the following:
1. Floor plans and elevation changes, drawn to scale for all floors to be utilized for Bed and Breakfast activities, shall be submitted to the Township.
  2. Bed and Breakfast operations shall be subject to the following size limitations:
    - a. Not more than four (4) bedrooms shall be utilized for bed and breakfast lodging in any one facility.
    - b. The maximum size of a bed and breakfast residence shall not be more than four thousand five hundred (4,500) sq. ft. This shall include all bedrooms, sitting areas, dining, or kitchen facilities or other habitable space used for bed and breakfast or owner residential use.
    - c. The minimum lot area for bed and breakfast facilities shall be fourteen thousand (14,000) sq. ft.

- d. The above standards may be waived or modified by the Planning Commission when it is determined that compliance with all of the above size limitations is unreasonable. The above standards shall however be applied to the maximum extent possible. Suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission if the applicant demonstrates any of the following:
    - i. The bed and breakfast operation will not have a negative impact on the surrounding neighborhood.
    - ii. The size of the lot on which the bed and breakfast facility is proposed is of sufficient size to offer setbacks which exceed the R-1, Single Family Residential, setback requirements to neighboring properties and adequate room for the parking of automobiles.
    - iii. The bed and breakfast facility will operate in a designated or recognized historic structure.
  3. There shall be no separate cooking facilities provided for the bed and breakfast occupants. Meals, other than those served as a part of the normal operation of the household, shall be served only to occupants of the bed and breakfast facility.
  4. Occupancy shall be of a transient nature for periods not to exceed seven (7) days (one week) in duration in any one (1) month by any transient occupant. A guest registry indicating name, address, phone number, and vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the Township for inspection upon request.
  5. An unlighted sign not exceeding six (6) square feet in area and not more than four (4) feet above grade may be provided. Such sign may be provided as a ground sign or a wall sign. The sign shall be designed in a manner compatible with the bed and breakfast facility and shall be designed with colors and style which are nonobtrusive to the surrounding residential neighborhood. Details of the proposed sign shall be submitted and reviewed by the Planning Commission.
  6. Off-street parking shall be provided based upon one (1) space for each rental room & one (1) space for the operator of the facility. It is the Township's intent to not encourage yards to be destroyed, landscaping removed, or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration from the Planning Commission. To request special consideration, the applicant shall submit an analysis of parking required & parking provided within a three hundred (300) foot radius of the subject parcel. After analyzing this data, the Planning Commission may lower the number of the required parking spaces based on the fact that sufficient off-street or on-street parking exists in the neighborhood.
  7. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the owner and said owner shall live on the premises when the bed and breakfast operation is active.
  8. All such facilities shall comply with all applicable local, county, and state building, occupant living area, plumbing, electrical, mechanical, fire and health codes.
- L. Subject to the following conditions:
1. Such homes shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities:
    - a. Another State licensed adult or child group day care home.
    - b. Another State licensed adult foster care small group home or large group home.
    - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people.
    - d. A community correction center, resident home, halfway house, or other similar facility.

2. No more than two (2) identifiable off-street parking spaces for shall be provided for employees, in addition to the two (2) required for the residence.
3. Compliance with all requirements set forth by the state for the issuance of a daycare license, including, but not limited to, the enclosure of any play areas with a four (4) foot high fence.

M. Subject to the following conditions:

1. Any such activity shall not constitute a nuisance and only be permitted on a parcel of land not less than two and one-half (2.5) acres in area.
2. All animals shall be adequately housed and fenced and shall not be permitted closer to any abutting property line than seventy (70) feet.
3. All manure shall be stored at least seventy (70) feet from any property line and removed from the premises once per week.

N. Shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:

1. There shall be a distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall.
2. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
3. No swimming pool shall be located less than forty (40) feet to any front lot line.
4. No swimming pool shall be located less than ten (10) feet from any side street or alley right-of-way, or the distance required for side yard by the Township Zoning Ordinance, whichever is greater.
5. No swimming pool shall be located in an easement.
6. For the protection of the general public, all pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be securely locked when the pool is not in use.

O. The maximum height of any farm structure, such as a barn, silo, or similar structure, shall be forty (40) feet.

### **Section 6.03 – Safety Path and Sidewalk Requirements** *(amended 01.05.87, 02.03.03)*

Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required of all developers in conjunction with the development of parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. The sidewalks shall conform to the requirements of Ordinance No. 97.



**Section 6.04 – Area and Bulk Requirements** *(amended 01.05.87, 02.17.04, 02.07.05, 07.16.18)*

Please see the Matrix Chart in Section 6.01 for variations to these requirements by use.

	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
Minimum Lot Area	14,000 sq. ft.	10,800 sq. ft.*	8,400 sq. ft.*
Minimum Width of Lot	100 ft.	80 ft.	70 ft.
Minimum Lot Setbacks (in feet)			
Front Yard**	40 ft.	35 ft.	30 ft.
Each Side Yard***	10 ft.	10 ft.	10 ft.
Rear Yard	35 ft.	35 ft.	35 ft.
Minimum Floor Area/Unit	1,320 sq. ft.	1,080 sq. ft.	960 sq. ft.
Maximum Lot Coverage	25%		
Total Maximum Floor Area of All Accessory Buildings	See Section 27.02, A, 8		
Height of Structures	30 ft.	30 ft.	30 ft.
<p>*In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided.  ** Where the front setbacks of two (2) or more principal structures in any block (in the case of platted properties) or within three hundred (300) feet (in the case of unplatted properties) in existence at the time of passage of this Ordinance, within the district zoned and on the same side of the street, are less than the minimum front setbacks required herein, then any building subsequently erected within said block (or three hundred (300) feet) shall not be less and not be greater than the average depth of the front setbacks of the existing structures.  *** Where a garage door or opening faces a side lot line, said side lot setback shall be thirty (30) feet.</p>			

**Section 6.05 – Sign Regulation** *(amended 10.08.98, 02.21.06)*

All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

**Section 6.06 – Tree Preservation Regulations** *(amended 08.03.00)*

The tree removal permit requirements apply to developments in these Districts, according to the terms of Section 27.12.

**Section 6.07 – Wetland Setbacks** *(added 09.17.07)*

The wetland setback requirements apply to developments in this District, according to the terms of Section 27.17.

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**Section 7.00 – Preamble** *(amended 03.02.00)*

The Multiple Family Residential Districts are intended to provide locations for a variety of residential land uses to meet the housing needs of people who cannot or choose not to live in single-family residences. These multiple family districts provide locations for garden apartments, townhouses, duplex, triplex, and quad-plex units, and in a medium-low to medium-high density context.

Multiple Family Residential Districts are typically mapped so as to provide a transition between non-residential districts and nearby single-family residential districts. These districts should have direct access onto an existing or proposed major thoroughfare.

**Section 7.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

<b>LAND USE</b> <i>(added 07.16.18, amended 08.16.21)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b>	<b>RM-1 RM-2</b>	
<b>Land Use</b>		
Multi-family dwellings such as, but not limited to, apartments, townhouses, 2-, 3-, and 4-plex units.	P	
Single-family detached dwellings, subject to the area and bulk requirements of the R-2 Single Family Residential District.	P	
Agricultural & farming use, including livestock & poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or uses of land or structures.	P	
Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.	P	
Publicly-owned and -operated municipal buildings, libraries, parks, parkways, and recreational facilities.	S	
Public, parochial, and private elementary, intermediate, and/or high schools, offering courses in general education.	S	
Places of Worship	S	<i>C</i>
General hospital	S	<i>D</i>
Dependent housing	S	<i>E</i>
Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards), when operating requirements necessitate locating within the district in order to serve the immediate vicinity.	S	
Assisted living facilities	S	<i>F</i>
Day care centers	S	<i>G</i>
<b>Accessory Land Uses</b>		
Accessory buildings, structures, and uses customarily incidental to the principal use when they are located on the same property, and not involving any business, profession, trade, or occupation other than provided for in the Multiple Family Districts.	P	
General services building, containing recreational facilities and other services for use of the residents of the multi-family development.	P	
Recreational vehicle storage area for the storage of camping trailers, boats, boat trailers, snowmobiles, and similar items.	P	<i>A</i>
Farm buildings and greenhouses	P	

LAND USE <i>(added 07.16.18, amended 08.16.21)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>	<b>RM-1 RM-2</b>	
Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or uses of land and structure.	P	
Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.	P	
Tree and shrub nurseries.	P	
Agribusiness uses for sale of fruits, vegetables, eggs, etc. such as, but not limited to, farm markets and fruit and vegetable stands. Such uses shall be a part of a farm on which the product to be sold is raised or grown. Sales of all produce raised on farms which an individual operates within the Township is permitted from one location	P	<i>B</i>
Home occupations shall be permitted in any residential dwelling, provided that such home occupations conform to the standards set forth in Section 27.02 (B) of this Ordinance.	P	
Outdoor Storage (in accordance with the provisions in 27.19)	P, S	
<b>Uses Not Permitted</b>		
Facilities where activities of a commercial nature are conducted. This provision does not apply to vending machines that dispense food, drink, cigarettes, or laundry products and which are solely for the use of the residents of the development.		
Facilities for the treatment or boarding of animals of any type.		

**Section 7.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. Such storage area shall be fenced, hard-surfaced, and contain at least one hundred (100) square feet of parking area per dwelling unit.
- B. Subject to the following requirements:
  - 1. The maximum floor area of any building used for agribusiness sales shall be eight hundred (800) square feet.
  - 2. All buildings shall have a front setback of at least fifty (50) feet from the edge of the proposed road right-of-way as designated on the Township Master Plan.
  - 3. A twenty-five (25) foot wide greenbelt shall be provided along any side lot line where the adjoining lot is used for residential purposes.
  - 4. Adequate trash receptacles shall be provided and shall be completely obscured from view by a screen fence or wall.
  - 5. All ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) streets, measured from the proposed right-of-way lines.
  - 6. A minimum of five (5) off-street parking spaces shall be provided and shall be laid out in such a way that they can be safely and conveniently used by the customers.
- C. Due to the inherent presence of single-family homes within the District, and in the interest of reducing any potential nuisance to neighboring property owners, place of worship within the District shall be subject to the following *(amended 08.16.21)*:
  - 1. Minimum site size of two (2) acres and a maximum of five (5) acres for a places of worship site; a minimum of five (5) acres, if proposed use includes a place of worship school.

2. All ingress to and egress from the site shall be directly onto a major thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Township Master Plan.
3. No building shall be closer than forty (40) feet from any property line.
4. Off-street parking shall be provided on the site in a ratio of one space for every three (3) persons as designated in the maximum occupancy load of the building. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because on the level of current or future expected traffic.

D. When the following conditions are met:

1. Hospitals shall be constructed only on sites containing at least twenty (20) acres.
2. The site shall have at least one property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed. All ingress and egress to the off-street parking area for guests, employees, staff, as well as any other users of the facilities, shall be directly from the major thoroughfare.
3. All two (2) story main or accessory buildings shall be provided with front, rear, and side yard setbacks of at least one hundred (100) feet, measured from bounding lot lines or street right-of-way lines. For every two (2) stories above two (2), the minimum yard distance shall be increased by twenty (20) feet.
4. Ambulance and delivery areas shall be obscured from residential view with a wall six (6) feet in height and constructed of the same materials as the principal building.
5. Ingress and egress to said ambulance and delivery areas shall be directly from an existing or proposed major thoroughfare of at least one hundred fifty (150) feet of right-of-way.
6. Off-street parking shall be provided on the site, at least in the amount equal to one (1) space for each hospital bed, and one (1) space for each employee and doctor on the largest working shift.

E. When the following conditions are met:

1. All dependent housing shall be constructed on parcels of at least five (5) acres.
2. Dependent housing shall be provided for in a multiple-family housing form, with central dining facilities provided as a basic service. A community center shall also be provided to support recreational and social activities.
3. The following minimum requirements shall be provided for dependent housing:
  - a. Density. The number of units permitted shall be as permitted and regulated in the RM-1, Multiple Family Residential District.
  - b. Minimum Usable Floor Area: One bedroom - 350 square feet Two bedroom - 450 square feet
  - c. Building Heights and Setbacks. The building heights and setbacks shall be as permitted and regulated in the RM-1, Multiple Family Residential District.
  - d. Off-Street Parking: Residents - 1.00 space/unit; Guest - 0.25 space/unit
  - e. Maximum Coverage: Building - 30%; Parking – 15%; Parking – 15%
  - f. Proposed dependent housing developments will also be evaluated in terms of their convenience and/or accessibility by residents to various commercial, office, and service facilities. Consideration shall be

given to the type of facilities proposed, resident needs, effective proximity to service facilities, and transportation services to these facilities.

- g. At the Special Land Use hearing, the burden of proof is on the petitioner to prove that the proposed location is viable.

F. When the following conditions are met:

- 1. A minimum lot area of one and one half (1.5) acres, excluding existing public road rights-of-way.
- 2. Each dwelling unit shall comply with the following minimum floor area requirements. In order to provide variation in the size of units offered to prospective residents, at least twenty-five percent (25%) of the units in each category of room offered (i.e., one or two person rooms) shall be ten percent (10%) larger than the minimum.

Dwelling (Room) Type	Minimum Floor Area (sq. ft./bed)
One resident per room	300 sq. ft.
Each additional resident per room	150 sq. ft.

- 3. Building Design:
  - a. No building shall exceed two hundred fifty (250) feet in overall length, measured along any continuous elevation. The Planning Commission may permit buildings of greater length, when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.
  - b. Building facades of greater than eighty (80) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
- 4. All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and safety of persons using such areas, in accordance with the requirements set forth in Section 27.11 and Section 27.04.
- 5. Assisted living facilities shall be landscaped and screened in accordance with Section 27.05.
- 6. The drop off/pick up of residents shall be provided at the entrance of the building with a covered canopy. Access to all entry/exit doors and all sides of the building shall be provided in a manner acceptable to the Planning Commission, based on a recommendation from the Fire Chief.
- 7. Recreation facilities, such as common areas, gardens, paved walkways, and covered sitting areas shall be provided in a manner which the Planning Commission determines meets the needs of the resident population (a/k/a age group).
- 8. Loading shall be provided in accordance with Section 27.04 (B). The loading area shall be located in side and rear yard areas only, screened from the view of any public thoroughfare and adjacent residential areas and designed in a manner which is appropriate for the function and vehicles it is intended to serve. Additional spaces shall be provided for mobile diagnostic or mobile treatment as deemed necessary for the intent of the site.
- 9. Off-street parking shall be provided in accordance with Section 27.04 (A). The off-street parking spaces shall be provided on the site at a ratio of one-third (1/3) of a parking space per bed, plus one (1) space per employee.
- 10. Assisted living facilities shall be located on a major thoroughfare, regional thoroughfare or State trunkline, as per the adopted Master Plan.

11. Special provisions shall be made for the appropriate disposal of bio-hazardous materials. The containment and disposal of such materials shall be in accordance with the County Health Department standards.

G. When the following conditions are met:

1. Building setbacks shall be not fewer than forty (40) feet or as required by the zoning district, whichever is greater.
2. Day care centers shall be located on a major thoroughfare, regional thoroughfare or State trunkline, as per the adopted Master Plan.
3. All driveways shall be designed so that vehicles can exit the site without having to back out onto a thoroughfare or collector road.
4. Off-street parking shall be provided on the site at a ratio of one (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic.
5. One (1) loading/unloading space per every twenty (20) children shall be provided for pick-up and drop-off. For larger day care centers (over one hundred (100) children), provisions for school bus or van loading or unloading may also be required at the discretion of the Planning Commission. The Commission may also require a canopy adjacent to the loading area for shelter from the elements when a subject site has minimum available dedicated space for school bus or van parking areas.
6. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following:
  - a. Hallways
  - b. Storage areas and cloakrooms
  - c. Kitchens
  - d. Reception and office areas
7. The outdoor play area space shall have a minimum area of not fewer than one thousand five hundred (1,500) square feet, or seventy-five (75) square feet for each child, whichever is greater. Such space shall be suitably buffered from abutting residentially zoned or used land by a landscaped greenbelt, and shall be enclosed by at least a four (4) foot high fence. Any gates shall be provided with a control mechanism for locking.
8. Each child day care center facility shall have a minimum site area of five hundred (500) sq. ft. per child and a minimum parcel lot area of one (1) acre.
9. The Planning Commission shall consider the necessity for additional, appropriate conditions & safeguards to protect the health, safety & welfare of the children using the facility, including the necessity for additional fences, barriers, or other safety devices and buffers.
10. Day care centers shall be landscaped and screened in accordance with Section 27.05.
11. The drop off/pick up of children shall be provided at the entrance of the building. Access to all entry/exit doors and all sides of the building shall be provided in a manner acceptable to the Planning Commission, based on a recommendation from the Fire Chief.

### **Section 7.03 – Required Conditions** *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in non-conformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval, pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum site size for a multiple-family residential development shall be five (5) acres.
- C. Off-Street Parking.
1. A minimum of two (2) parking spaces shall be provided for each dwelling unit.
  2. Parking for visitors at the rate of one (1) parking space for every three (3) dwelling units shall also be provided.
  3. One (1) parking space for each two hundred (200) square feet of building area for accessory buildings, structures, or uses such as laundromats, tennis courts, swimming pools, etc., shall be provided.
  4. The required parking spaces shall be located no further than two hundred (200) feet from the structures that they are intended to serve.
  5. The internal roadway, driveways, and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop (asphalt), or the equivalent, as approved by the Planning Commission.
  6. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements set forth for such items in Section 27.05 of this Ordinance. This landscape plan shall be part of, or accompany, the site plan.
  2. A landscaped greenbelt at least ten (10) feet in width shall be provided along the entire perimeter of an RM-1 or RM-2 District, except where ingress or egress drives are located.
  3. The Multiple Family Residential District shall be screened from view from any adjoining single-family residentially zoned or used property. Such screening shall consist of earth berms or evergreen landscaping, subject to the approval of the Planning Commission.
  4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 05.19.94, 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. *(amended 05.19.94)*



1. Any multiple-family residential development shall have direct access to an existing or proposed major thoroughfare as shown on the Thoroughfare Plan of the adopted Township Master Plan, except that indirect access to said major thoroughfare via a local or collector street may be permitted, where the Planning Commission determines that such an alternative would promote traffic safety and would not cause undue disruption to adjacent single-family neighborhoods. *(amended 11.28.85)*
2. Streets shall be provided in the development for convenient access to every dwelling unit and to all other facilities.
3. The street system shall provide convenient circulation by means of minor streets and/or alleys and properly located collector and arterial streets.
4. Closed ends of dead end streets shall be provided with a turning circle of not less than fifty (50) feet outside pavement radius.
5. The Planning Commission may require a dedicated public street for main vehicular access in those developments where the public health, safety, and welfare would be served by public maintenance and control. However, in all instances, a main street providing access to the site shall have a sixty (60) foot wide easement (if not public) for a fire lane and utilities. The pavement shall be twenty-four (24) feet wide, with no parking. Wider pavement widths may be required by the Planning Commission if it can be shown that public health, safety, and welfare will be served.
6. All streets shall be constructed to the standards of the Road Commission for Oakland County.
7. All other streets, aisles, or drives shall be not fewer than twenty-two (22) feet in width.

**H. Utilities.**

1. All utilities servicing the structures shall be buried underground.
2. All dwelling units are to be located in a building or buildings which is/are provided with water and sanitary sewage disposal through publicly owned systems or privately owned systems, which the Township Planning Commission determines to be adequate to protect the public health, safety, and welfare.
3. Provision shall be made for site grading and drainage so as to cause surface or storm water to be removed in accordance with the provisions set forth in Section 27.02 and 27.04. The site grading and drainage patterns shall be reviewed by the Township Engineer and approved by the Planning Commission.

**I. Covered Trash Areas. *(amended 05.19.94)***

1. Covered trash receptacles, surrounded on three (3) sides by masonry brick-type walls, one (1) foot higher than the receptacle, shall be provided; said trash receptacles shall not be located in any yard adjacent to a public street.
2. The fourth side of the enclosed trash receptacle area shall be equipped with an opaque lockable gate of the same height as the masonry brick wall.
3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. *(amended 01.30.86)*

**J. Loading and Unloading. *(amended 05.19.94)***

1. Loading and unloading areas shall not be located in any yard adjacent to a public street.

- 2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
- 3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

**K. Performance Guarantee Requirement. *(amended 08.15.16)***

The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed.

**L. General.**

**1. Patio Area.**

A paved outdoor patio area of not less than one hundred fifty (150) square feet may be provided for each dwelling unit. The patio area should be conveniently located near an entrance to the dwelling and should be appropriately related to open areas and other amenities on the lot, so as to provide a suitable outdoor living space to supplement the interior space of a unit.

**2. Sidewalks.**

- a. Hard-surfaced sidewalks shall be provided throughout the development so as to provide a complete pedestrian circulation system. These hard-surfaced sidewalks shall be not less than three (3) feet in width and not less than four (4) inches in thickness.
- b. The secondary walkways, including walks from each building entrance to the primary walk system, shall be not less than four (4) inches thick.
- c. Sidewalks and secondary walkways constructed pursuant to this section shall otherwise be constructed in accordance with Ordinance No. 97. *(added 02.03.03)*

**3. Recreation Open Space. *(amended 05.19.94)***

- a. Recreation open space shall be provided and shall be equal to an area of not less than five hundred (500) square feet per dwelling unit or a minimum of twenty five thousand (25,000) square feet, whichever is greater.
- b. The required recreation open space shall be located conveniently in relation to the majority of dwelling units intended to be served by such facility, and shall not include a wetland area.
- c. Uses permitted within the required recreation open space shall include playground and park space, play equipment, tennis courts, shuffle board courts, basketball courts, and/or similar facilities, or any structure for which a building permit must be issued.
- d. The improvement of the required recreation facility shall be completed by the developer of any multiple-family residential development project within the requirements of this Ordinance in the following manner:

<b>Percent of Certificates of Occupancy Issued of Total Units Proposed*</b>	<b>Percent of Completely Improved Recreation Space Required</b>
Up to 25%	40%
26% - 50%	60%
51% - 75%	80%

76% - Plus	100%
* If the proposed project is developed in phases, the appropriate percentage shall be applied to required recreation space of each particular phase.	

- e. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required of all developers in conjunction with the development of parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 (F) and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*
- M. Tree Preservation Regulations *(amended 08.03.00)*. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12.
- N. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 7.04 – Area and Bulk Requirements** *(amended 03.19.92, 05.19.94, 11.01.16)*

- A. Minimum Lot or Parcel Area. Multiple-family dwellings shall not be erected on a lot or parcel of land which has an area of fewer than five (5) acres, excluding existing road right-of-way.
- B. Building Bulk and Height. The maximum building height shall be thirty-five (35) feet and two and one-half (2 1/2) stories. The maximum dimension of a building measured in any straight line shall be two hundred (200) feet.
- C. Maximum Number of Dwelling Units Per Acre.
  - 1. The number of dwelling units (du) per acre in the RM Districts shall not exceed the following:
    - RM-1: 6 du/acre
    - RM-2: 8 du/acre
- D. Minimum Floor Area/Unit.
  - One bedroom - 500 square feet
  - Two bedrooms - 700 square feet
  - Three bedrooms - 900 square feet
  - Four bedrooms\* - 1,000 square feet

\* An additional one hundred fifty (150) square feet of floor area shall be provided for each bedroom over and above four (4) bedrooms.

Maximum site coverage - 25%.

- E. Building Setbacks.
  - 1. Buildings shall have the following minimum setbacks from the perimeter of the parcel:
    - a. Front yards - 100 feet
    - b. All other yards, including side and rear yards - 50 feet
  - 2. Side and rear setbacks shall be a minimum of seventy-five (75) feet along those property lines which abut a single-family district, or one-family detached units or lots of an approved residential PUD plan, and which are not separated from such units, lots, or one-family district by a major thoroughfare or collector street, or where the abutting single-family dwelling unit district is not already developed for a permitted use other than single-family residential.
  - 3. If more than one building shall be constructed on the same site, the minimum distance between buildings shall be:

- a. When front to rear, front to front, and/or rear to rear - 70 feet
  - b. End to end - 30 feet
  - c. End to front and/or end to rear - 50 feet
4. Accessory buildings (such as carports) that do not exceed fourteen (14) feet in height may be located within minimum setback areas which do not abut public streets on the perimeter of the parcel or within the minimum distance between buildings, provided that they have setbacks of not fewer than twenty (20) feet.
- F. Parking Setbacks.
1. Off-street parking spaces, drives, and aisles shall not be located fewer than twenty (20) feet to any abutting single-family dwelling district. Off-street parking spaces, drives, and aisles may be located within a yard on a public street abutting the perimeter of the parcel, provided that they are set back not fewer than thirty-five (35) feet from the future right-of-way line.
  2. Off-street parking spaces, drives, and aisles shall not be located fewer than ten (10) feet to all other districts or to any existing permitted use in a single-family dwelling district that is not a single-family dwelling.
  3. Off-street parking spaces, aisles, and drives shall not be located closer than twenty (20) feet to any residential building wall containing windows or doors on the ground floor level or below.
  4. Carports shall not be located closer than fifty (50) feet to any residential building wall containing windows or doors on the ground floor level or below, unless there is a corner to corner relationship between the building wall and the carport, in which case the minimum distance shall be twenty (20) feet.



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**Section 8.00 – Preamble**

The Mobile Home Park Districts are intended to provide locations for mobile home uses in a planned and coordinated park setting. It is intended that such Districts have the following characteristics:

- Facilities for continual long-term residential use on a non-recreational basis rather than for temporary transient travel trailer use;
- Adequate space and facilities for healthful living conditions for the occupants;
- An interior road system that provides safe and adequate access to each mobile home site.

Mobile Home Park Districts are typically mapped so as to serve as transitions between non-residential districts and single-family residential districts. These districts shall have direct access onto an existing or proposed major thoroughfare.

**Section 8.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

LAND USE <i>(added 07.16.18)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>	<b>MHP</b>	
<b>Land Use</b>		
Mobile home park for mobile homes used for residential purposes.	P	A
Agricultural and farming use including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar agricultural enterprises or use of land and structure.	P	A
<b>Accessory Land Uses</b>		
Accessory buildings, structures, and uses customarily incidental to the principal use when they are located on the same property, and not involving any business, profession, trade or occupation other than those specifically permitted in the Mobile Home District.	P	A
General services building containing laundromat facilities and other services for the use of the residents of the mobile home park.	P	
If recreational vehicles are permitted within the park area, recreational vehicle storage area for the storage of camping trailers, boats, boat trailers, snowmobiles, and similar items shall be permitted. Such storage area shall be fenced, hard-surfaced, and contain at least one hundred (100) square feet of parking area per mobile home.	P	
In addition, each individual mobile home may have one (1) outdoor utility building which shall not exceed eight (8) feet in width, eight (8) feet in depth, and six (6) feet in height. It shall be the responsibility of the individual mobile home owners to provide any outdoor utility buildings.	P	
Outdoor Storage (in accordance with the provisions in 27.19)	P, S	B
<b>Uses Not Permitted</b>		
Non-residential uses shall not be permitted in any mobile home or building or on the premises of a mobile home park. However, the operation of the park and its incidental services, or the in-park sale of a mobile home by a tenant or licensed dealer or broker shall not be denied by the Township.		

**Section 8.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. Shall be permitted subject to any limitations described herein and subject to the requirements of Act 419 of the Public Acts of 1976 as amended.
- B. No storage of any kind of combustible material shall be permitted beneath any mobile home.

**Section 8.03 – Required Conditions**

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a preliminary site plan approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance and Michigan Act 419 of the Public Acts of 1976, as amended.
- B. Minimum Parcel Size.
  - 1. The minimum parcel size shall be fifteen (15) acres for a mobile home park as a whole.
  - 2. The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty percent (20%) provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.
- C. Off-Street Parking.
  - 1. A minimum of two (2) parking spaces shall be provided for each mobile home site.
  - 2. Parking for visitors at the rate of one (1) parking space for every three (3) mobile home sites shall also be provided.
  - 3. One (1) parking space for each two hundred (200) square feet of building area for accessory buildings, structures, or community buildings shall be provided.
  - 4. The required parking spaces shall be located no further than two hundred (200) feet from the structures they are intended to serve.
  - 5. The internal roadway, driveways, and parking areas shall be curbed and consist of hard surfaced concrete, blacktop, or equivalent in accordance with Rules 921 through 924 of the Mobile Home Park Commission Rules. Mountable or integral curbs may be used.
- D. Landscaping.
  - 1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the preliminary site plan.
  - 2. Landscape improvements shall, with the exception of ingress and egress lanes, be provided along all developed sides of the MHP District. These improvements shall be at least ten (10) feet in width and may be part of the buffer zone.



3. The Mobile Home Park District shall be screened from view from any adjoining residentially zoned or residentially used property. Such screening shall consist of earth berms or evergreen landscaping or both.
  4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. Each mobile home site, except for that portion constituting the pad for the mobile home, shall be landscaped with suitable ground cover, in accordance with the landscape standards set forth in Section 27.05 of this Ordinance.
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Requirements.
1. All lighting used to illuminate buildings, signs, and/or off-street parking areas shall conform to Rules 929 and 932 of the Mobile Home Park Commission Rules.
  2. Such lighting shall be arranged or shielded so as to direct the light away from adjoining properties, and so arranged that the lighting source shall not be directly visible from the adjoining property.
- G. Public Road Access.
1. The mobile home park shall have direct access to an existing or proposed major thoroughfare as shown on the Township Master Plan.
  2. Streets shall be provided in the mobile home park for convenient access to every mobile home site and to all other facilities in the mobile home park.
  3. The street system shall provide convenient vehicular circulation.
  4. Closed ends of dead-end streets shall be provided with a turning circle of not less than sixty (60) feet outside radius.
  5. All streets shall meet construction standards of Rules 921 and 922 of the Mobile Home Commission Rules.
  6. No parking shall be permitted on any roadway except for visitor parking as provided for in the approved preliminary site plan.
  7. All mobile home lots shall abut a hard surface roadway.
  8. All streets shall be lighted in accordance with current Michigan Department of Commerce, Mobile Home Commission Rules.
  9. All local roadways within the mobile home park, excluding any portion to be used for parking, shall have a minimum pavement width in accordance with current Michigan Department of Commerce, Mobile Home Park Commission Rules.
- H. Utilities.
1. Water systems and sanitary sewers shall comply with the current Michigan Department of Public Health, Mobile Home Park Standards.
  2. Mobile home parks shall be provided with fire hydrants. Fire hydrants located in mobile home parks shall conform to the Orion Township Fire Ordinance.

3. Electrical and telephone distribution lines shall be placed underground pursuant to Rule 603(d) 932, 933 and 940 of the Mobile Home Commission, General Rules.
4. Individual fuel oil systems shall not be permitted.
5. The mobile home park shall provide a system of garbage and rubbish storage, collection, and disposal, subject to the approval of the Department of Public Health.

I. Covered Trash Areas.

1. Mobile Home Park refuse storage and disposal shall be in accordance with Rules 325.3351 through 325.3354 of the Michigan Department of Public Health Mobile Home Park standards. If dumpsters are used, they shall be surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle. The fourth side of the enclosed area shall consist of an opaque screening material and shall be equipped with a lockable gate consisting of some type of screening material.
2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.  
*(amended 01.30.86)*

J. Loading and Unloading.

1. If provided, all loading and unloading areas shall be located only at the rear of any building.
2. In no instance shall loading and unloading areas be located where they will interfere with parking or ingress and egress to any building.

K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*

L. General.

1. Project processing. A mobile home park construction project shall be processed according to the Mobile Home Commission Rules promulgated pursuant to Act 419 of the Public Acts of 1976, as amended.
2. Inspection. Each mobile home site, prior to initial occupancy shall be inspected by the appropriate departments of the Township for compliance with the appropriate Sections of Act 419 of the Public Acts of 1976, as amended.
3. Anchoring System. Each mobile home shall be anchored with an approved anchoring system in accordance with Rules 605 through 608 of the Mobile Home Commission Rules.
4. Pillars. Each mobile home site shall be provided with appropriate pillars complying with the current Michigan Department of Commerce, Mobile Home Commission Rules.
5. Skirting. Skirting is required on any mobile home, and shall be vented, fire resistant, and have access panels and comply fully with current Michigan Department of Commerce, Mobile Home Commission Rules.
6. Patio Area. If the outdoor patio is to be provided, it shall be a minimum of one hundred fifty (150) square feet, conveniently located near an entrance to the mobile home and appropriately related to open areas of the lot and other amenities on the site so as to provide a suitable outdoor living space to supplement the interior space of a mobile home.
7. Sidewalks.

- a. A system of hard-surfaced sidewalks that may constitute an appropriate pedestrian circulation system shall be provided throughout the mobile home park. These hard-surfaced sidewalks shall be not less than three (3) feet in width and not less than four (4) inches in thickness.
  - b. The secondary walkways, including walks from each mobile home entrance to the primary walk system, shall be not less than four (4) inches thick.
  - c. Sidewalks and secondary walkways constructed pursuant to this section shall otherwise be constructed in accordance with Ordinance No. 97. *(added 02.03.03)*
8. Open Space.
- a. Open space shall be provided and shall cover a total area of not less than five hundred (500) square feet per dwelling unit or a minimum of twenty five thousand (25,000) square feet per development, whichever is greater. In order to attain this standard, the developer may use the area obtained through lot reduction, as set forth in Section 8.03 (B)(2) herein and Rule 946 of the Mobile Home Commission Rules.
  - b. All optional improvements for open space shall comply with the current Michigan Department of Commerce, Mobile Home Commission Rules.
9. State Rules. The Michigan State Department of Commerce, Mobile Home Commission Rules shall apply herein on specific items not covered by this Ordinance. Wherever conflict may exist between this Ordinance and the Rules, the Mobile Home Commission Rules shall apply.
10. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 (F) and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*

**Section 8.04 – Area and Bulk Requirements** *(amended 07.16.18)*

<b>Mobile Home Park**</b>	
<b>Front Yard Setback</b>	50 ft.*
<b>Rear Yard Setback</b>	50 ft.
<b>Side Yard Setback</b>	50 ft.*
<b>Minimum Site Area</b>	15 Acres
<b>Maximum Height of Any Structure</b>	2 Stories
<p><i>*Required screening, greenbelts, and landscaping may be located in the setback area. All setbacks shall be measured from the park boundary line. Where the park is adjacent to a street or road, the street or road right-of-way shall be considered the same as the park boundary line.</i></p> <p><i>**Applies to Mobile Home Park as a whole and to the individual mobile homes or other buildings located closest to exterior boundaries</i></p>	

<b>Individual Mobile Homes &amp; Accessory Buildings***</b>	
<b>Front Yard Setback</b>	15 ft.
<b>Rear Yard Distance Between Homes</b>	25 ft.*
<b>Side Yard Setback Distance Between Homes</b>	20 ft.*
<b>Average Lot Area</b>	5,500 sq. ft.**
<b>Maximum Height of Any Structure</b>	2 Stories
<p><i>*Setbacks indicate the minimum distance from the rear or side of one mobile home to the rear or side of an adjacent mobile home. (See Illustration 8.00)</i></p> <p><i>**Site size may be reduced by twenty percent (20%) for any one site provided an equal amount of land is set aside as open space, in accordance with Section 8.03 (B) (2) herein and Rule 946 of the Mobile Home Commission Rules.</i></p> <p><i>*** Setbacks apply to roadways and adjacent mobile homes or buildings</i></p>	

THOROUGHFARE

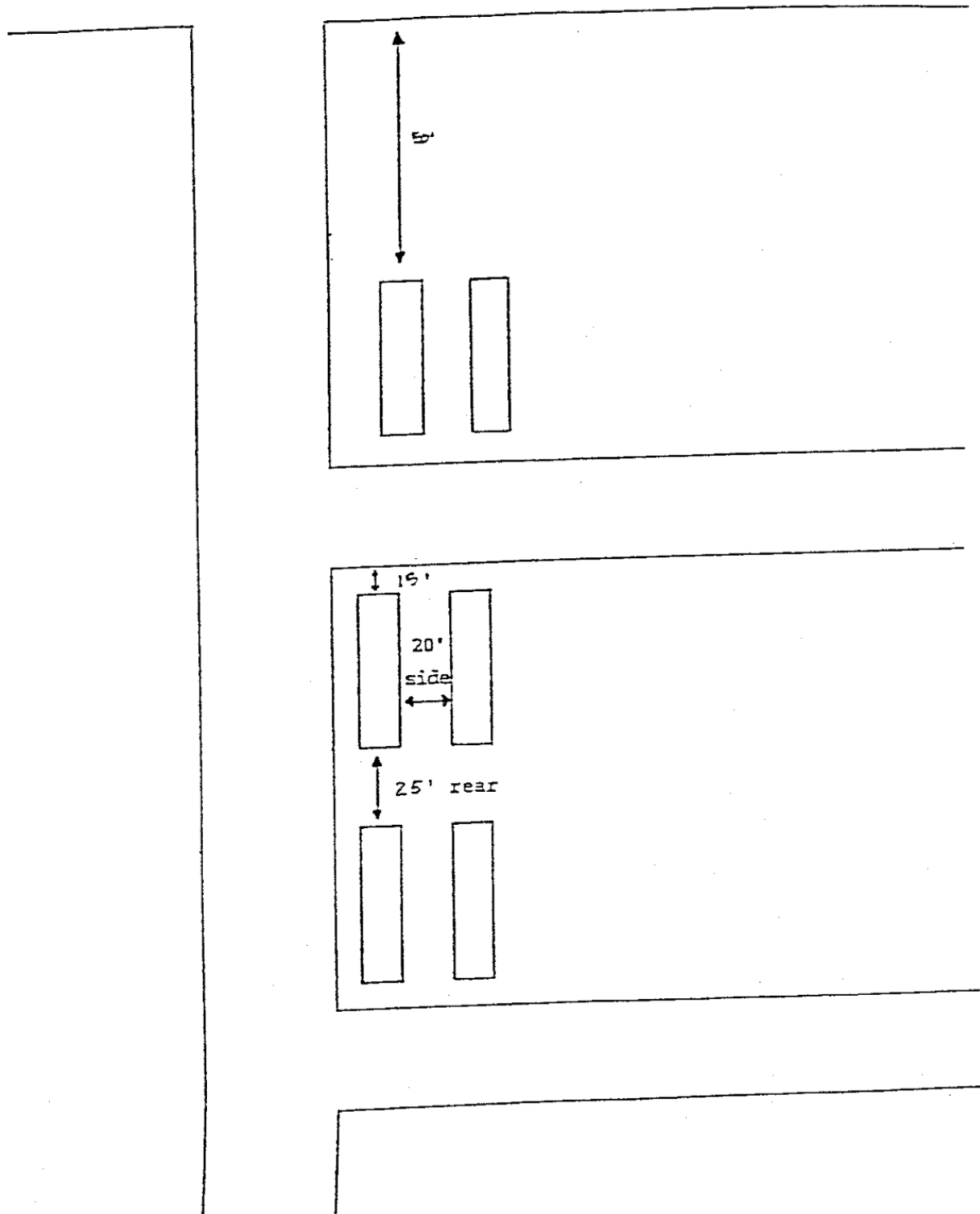


Illustration 8.00

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**Section 9.00 – Preamble** *(revised 02.01.16)*

The Office and Professional District is intended to provide locations of the office-type professional and administrative services necessary for the normal conduct of a community’s activities. This district is also intended to provide locations, when located a considerable distance from residential properties, where activities of a testing, research, prototype planning or development, or a similar nature are permitted. Additionally, this District is intended to provide locations for light assembly as a special land use permit, where provided in conjunction with research and development activities. Community service activities such as training centers, meeting halls, and health clinics are also allowed.

Office and Professional Districts are specifically designed to prohibit retail establishments, manufacturing or industrial activities other than light assembly, and other business activities that generate heavy traffic or constant visits of the general public. However, a limited range of convenience retail and service businesses are permitted within the Office and Professional District for the benefit of workers and visitors within the district. Any such commercial uses should be designed to complement the predominant office and research and development uses within the district.

All activities in the Office and Professional District must take place in a completely enclosed building in a well-landscaped setting. To protect the health, welfare, and safety of the community, the uses permitted in this district are not allowed to generate high noise levels or to use, store, or produce any toxic or hazardous substances. These districts shall have direct access onto an existing or proposed collector or major thoroughfare.

**Section 9.01 – Use Matrix** *(added 02.01.16, amended 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas. *(added 07.16.18)*

<b>LAND USE</b> <i>(amended 07.16.18, 08.16.21)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right S = Special Use S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>OP</b>	
<b>Office</b>		
Professional and medical offices (no overnight patients)	P	
Emergency or extended hour medical clinics	S	A
Hospitals	S	A
Veterinary clinics and hospitals (no overnight boarding)	P	B
Extended hour veterinary clinics and hospitals	S	C
Mortuary establishments	S	D
<b>Industrial, Research and Technology</b>		
Pilot research and design centers	P, S	E
Medical or dental laboratories	P	
Data processing and computer centers	P	
Light assembly	S	F
Mini-storage and warehousing	S*	J
<b>Civic and Institutional</b>		
<u>Educational Services</u>		
Day care centers and preschools	S	G
Schools/Studios for music, dance, business or trade	P	

LAND USE <i>(amended 07.16.18, 08.16.21)</i>	Zoning District	Footnotes
<b>P = Permitted by Right S = Special Use</b> <b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>OP</b>	
Public service and government facilities	P	
Private clubs, fraternal organizations, lodge halls, and places of worship	P	
<b>Retail and Service</b>		
<u><i>Automobile-Related Uses</i></u>		
Automotive retail and service facilities	S*	J
Automotive repair, paint and body shop, collision shop	S*	J
Automotive dealership, repair, service center, and used car facilities	S*	J
Equipment repair and sales	S*	J
<u><i>Eating and Drinking Establishments</i></u>		
Restaurants, including drive-through restaurants	S*	J
<u><i>General Retail</i></u>		
Retail and Service uses incidental to the primary office/research and development uses.	S	
Showrooms for retail activities associated with fabrication, assembly processing, or wholesaling.	S*	J
<u><i>General Service</i></u>		
Financial and insurance service (banks, credit unions - with or without drive-thru)	P	
Real estate/property management services	P	
Travel/ticket agencies	P	
Pet grooming/daycare	P	B
Hotels/Motels	S*	J
<b>Residential</b>		
Assisted living facilities	S	I
<b>Accessory Land Uses</b>		
Accessory buildings and accessory uses customarily incidental to the permitted uses in this section, in accordance with Section 27.02.	P	
Pharmacies (incidental to primary use)	P	H
Medical supply stores (incidental to primary use)	P	H
<b>Other Uses</b>		
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
<b>Prohibited Uses</b>		
Outdoor storage of materials, supplies, vehicles, equipment, or similar items		

**Section 9.02 – Footnotes to the Use Matrix** *(added 02.01.16)*

- A. General hospitals and extended hour medical facilities, when the following conditions are met. However, hospitals for criminals or those primarily intended for the treatment of persons who are mentally ill are not permitted. *(amended 02.21.06)*
  - 1. Hospitals shall be constructed only on sites containing at least twenty (20) acres.
  - 2. The site shall have at least one property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed. All ingress and egress to the off-street parking area for

guests, employees, staff, as well as any other users of the facilities, shall be directly from the major thoroughfare, and shall not project through any other zoning district.

3. All two (2) story main or accessory buildings shall be provided with front, rear, and side yard setbacks of at least one hundred (100) feet, measured from bounding lot lines or street right-of-way lines. For every story above two (2), the minimum yard setback shall be increased by at least twenty (20) feet.
  4. Ambulance and delivery areas shall be obscured from residential view with a wall not less than six (6) feet in height and constructed of the same materials as the principal building. Ingress and egress to this ambulance and delivery area shall be directly from a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
  5. Off-street parking shall be provided on the site at least in an amount equal to one (1) space for each hospital bed, and one (1) space for each employee and each doctor on the largest work shift.
- B. Pet grooming facilities, pet daycare for small household pets or veterinary hospitals or clinics, provided that: *(amended 01.05.87)*
1. All activities are conducted within a totally enclosed building.
  2. The facility has no outdoor runs or kennels.
  3. Inside boarding facilities are confined to use by animals being treated by the hospital or clinic.
  4. The applicant makes provisions to deal with pet litter and potential conflict between pets, pedestrians, and vehicular traffic. Such provisions may include locating in the end unit in a shopping center, and/or providing a grassy area or garden adjacent to the clinic for use by pets, and/or designating a special parking area close to the clinic.
- C. Extended hour veterinary clinics intended to serve a wide variety of animals and that have boarding facilities and/or outdoor runs. Any veterinary clinic with outdoor runs must be located on a parcel with a minimum size of at least five (5) acres. Any outdoor runs must be located at least two hundred (200) feet away from all property lines. All five (5) foot high solid earth berm covered with landscaping must be provided within this two hundred (200)-foot setback area.
- D. Mortuary establishments, subject to the following:
1. A minimum lot area of twenty-five thousand (25,000) square feet shall be provided and the site shall be so arranged so that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. Such assembly area shall be provided in addition to any required off-street parking area.
  2. The site shall be so located as to provide at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way (existing or proposed) and all ingress and egress to the site shall be directly from said major thoroughfare, or a marginal access drive thereof.
  3. All two (2) story main or accessory buildings shall be provided with front, rear, and side yard setbacks of at least one hundred (100) feet, measured from bounding lot lines or street right-of-way lines. For every story above two (2), the minimum yard setback shall be increased by at least twenty (20) feet.
  4. Points of ingress / egress shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
  5. When a property line abuts any residential district, no building shall be located closer than fifty (50) feet to that property line.
  6. A caretaker's residence may be provided within the main building of the mortuary establishment.



7. Loading and unloading areas used by ambulance, hearse, or other such service vehicles shall be obscured from all residential view in accord with provisions of Section 27.04.
- E. Research and design centers are intended for the development of pilot or experimental products. Such centers are designed to accommodate related offices for executive, administrative, professional, accounting, engineering, architectural, and support personnel. Research and design centers are permitted by right or as a special use when the following conditions are met:
1. Research and design centers shall be permitted by right when the building is located at least three hundred (300) feet from any land zoned for residential uses, unless such adjacent residentially-zoned land is developed in uses other than residential dwellings.
  2. Research and design centers shall be permitted as a special use when the building is located within three hundred (300) feet from any land zoned for residential use, unless such adjacent residentially-zoned land is developed in uses other than residential dwellings.
- F. Light assembly, when used as an ancillary operation in conjunction with research and development activities occurring at the same location. The Planning Commission may permit light assembly activities to occur within establishments on OP sites, when the following conditions are met (*added 08.15.05*):
1. The building containing the light assembly activities shall be at least three hundred (300) feet from any land zoned for residential use, unless such adjacent residentially-zoned land is developed in uses other than residential dwellings. Light assembly uses shall also be located no less than three hundred (300) feet from nursery schools or child day care centers.
  2. No outside storage or exterior loading docks or external evidence of light assembly operations shall be permitted.
  3. The floor area devoted to such light assembly activities shall at no time exceed forty percent (40%) of the total building complex, or forty percent (40%) of the space within a building complex which is leased or owned by a single tenant or corporate entity, whichever is less.
  4. Light assembly operations shall not cause significant increases in truck traffic. Pickup and delivery activities should be primarily limited to single unit trucks. Semi-truck operations shall not exceed twenty (20) trips (inbound and/or outbound) per week.
  5. Light assembly operations shall comply with the industrial performance standards of Section 16.03(K) pertaining to air contaminants, noise, vibration, storage of flammable materials, etc.
- G. Day Care Centers, when the following conditions are met (*amended 10.26.00*):
1. Building setbacks shall be not fewer than forty (40) feet or as required by the zoning district, whichever is greater.
  2. Day care centers shall be located on a major thoroughfare, regional thoroughfare or State trunkline, as per the adopted Master Plan.
  3. All driveways shall be designed so that vehicles can exit the site without having to back out onto a thoroughfare or collector road.
  4. Off-street parking shall be provided on the site at a ratio of one (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each employee. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic.

- 5. One (1) loading/unloading space per every twenty (20) children shall be provided for pick-up and drop-off. For larger day care centers (over one hundred (100) children), provisions for school bus or van loading or unloading may also be required at the discretion of the Planning Commission. The Commission may also require a canopy adjacent to the loading area for shelter from the elements when a subject site has minimum available dedicated space for school bus or van parking areas.
- 6. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following:
  - a. Hallways
  - b. Storage areas and cloakrooms
  - c. Kitchens
  - d. Reception and office areas
- 7. The outdoor play area space shall have a minimum area of not fewer than one thousand five hundred (1,500) square feet, or seventy-five (75) square feet for each child, whichever is greater. Such space shall be suitably buffered from abutting residentially zoned or used land by a landscaped greenbelt, and shall be enclosed by at least a four (4) foot high fence. Any gates shall be provided with a control mechanism for locking.
- 8. Each child day care center facility shall have a minimum site area of five hundred (500) sq. ft. per child and a minimum parcel lot area of one (1) acre.
- 9. The Planning Commission shall consider the necessity for additional, appropriate conditions and safeguards to protect the health, safety and welfare of the children using the facility, including the necessity for additional fences, barriers, or other safety devices and buffers.
- 10. Day care centers shall be landscaped and screened in accordance with Section 27.05.
- 11. The drop off/pick up of children shall be provided at the entrance of the building. Access to all entry/exit doors and all sides of the building shall be provided in a manner acceptable to the Planning Commission, based on a recommendation from the Fire Chief.
- H. The listed accessory uses shall be permitted subject to the standards and requirements set forth in Section 27.02, provided they are located within the building to which they are accessory and do not have a direct outside entrance for the use of the public.
- I. Assisted Living Facilities, when the following conditions are met (*amended 10.26.00*):
  - 1. A minimum lot area of one and one half (1.5) acres, excluding existing public road rights-of-way.
  - 2. The minimum site area for the purposes of calculating density shall be one thousand two hundred (1,200) square feet per dwelling unit.
  - 3. The minimum yard setbacks from the perimeter property boundaries shall be no less than seventy-five (75) feet from any existing public road right-of-way, and fifty (50) feet from any adjacent property.
  - 4. Minimum spacing between buildings shall be in accordance with the following requirements:

Distance Between Buildings	Feet
Side/Side Orientation	25
Side/Front, Side/Rear Orientation	25
Front/Front, Front/Rear Orientation	35

The Planning Commission, in their sole discretion, may reduce building spacing requirements where enclosed, heated walkways between buildings are provided and applicable building and fire code requirements are met.

- 5. Each dwelling unit shall comply with the following minimum floor area requirements. In order to provide variation in the size of units offered to prospective residents, at least twenty-five percent (25%) of the units in each category of room offered (i.e., one or two person rooms) shall be ten percent (10%) larger than the minimum.

Dwelling (Room) Type	Minimum Floor Area (sq. ft./bed)
One resident per room	300 sq. ft.
Each additional resident per room	150 sq. ft.

- 6. Building Design.
  - a. No building shall exceed two hundred fifty (250) feet in overall length, measured along any continuous elevation. The Planning Commission may permit buildings of greater length when it can be demonstrated that architectural design and natural and topographic features ensure that the building is in scale with the site and surrounding areas.
  - b. Building facades of greater than eighty (80) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
- 7. All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and safety of persons using such areas, in accordance with the requirements set forth in Section 27.11 and Section 27.04.
- 8. Assisted living facilities shall be landscaped and screened in accordance with Section 27.05.
- 9. The drop off/pick up of residents shall be provided at the entrance of the building with a covered canopy. Access to all entry/exit doors and all sides of the building shall be provided in a manner acceptable to the Planning Commission, based on a recommendation from the Fire Chief.
- 10. Recreation facilities, such as common areas, gardens, paved walkways, and covered sitting areas shall be provided in a manner which the Planning Commission determines meets the needs of the resident population (a/k/a age group).
- 11. Loading shall be provided in accordance with Section 27.04 (B). The loading area shall be located in side and rear yard areas only, screened from the view of any public thoroughfare and adjacent residential areas and designed in a manner which is appropriate for the function and vehicles it is intended to serve. Additional spaces shall be provided for mobile diagnostic or mobile treatment as deemed necessary for the intent of the site.
- 12. Off-street parking shall be provided in accordance with Section 27.04 (A). The off-street parking spaces shall be provided on the site at a ratio of one-third (1/3) of a parking space per bed, plus one (1) space per employee.
- 13. Assisted living facilities shall be located on a major thoroughfare, regional thoroughfare or State trunkline, as per the adopted Master Plan.
- 14. Special provisions shall be made for the appropriate disposal of bio-hazardous materials. The containment and disposal of such materials shall be in accordance with the County Health Department standards.
- J. Uses as listed below are allowed as a special land use on parcels within the Lapeer Road Overlay Zone. These uses are to be complementary to the Office and Professional zoning district, and may include such uses as (*amended 08.16.21*):

1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, assembly, processing or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.
2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting, and similar uses.
3. Automotive repair, paint and body shop, collision shop.
4. Automobile dealership, repair, service center and used car facilities.
5. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, and construction equipment.
6. Mini-storage and warehousing.
7. Restaurants, including drive-through restaurants.
8. Hotels and motels.
9. Uses similar to the above, in accordance with Section 27.02(E), and which will not create adverse impacts to surrounding uses.

**Section 9.03 – Required Conditions** *(amended 02.01.16, 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be twenty thousand (20,000) square feet.
- C. Off-Street Parking.
  1. All principal and accessory uses shall be contained within a building or combination of buildings that have a common parking lot.
  2. Parking requirements shall be based upon the following schedule *(amended 08.06.07)*:
    - a. One (1) parking space per five hundred (500) square feet of gross floor area for office/research/design facilities.
    - b. One (1) parking space per three hundred (300) square feet of gross floor area for general office.
    - c. One (1) parking space per two hundred fifty (250) square feet of gross floor area for medical office.
    - d. One parking space for each three (3) persons as designated in the maximum occupancy load of the building for Private clubs, fraternal organization, lodge halls, and places of worship. *(added 08.16.21)*
    - e. Parking requirements for all other uses in the OP district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
  3. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*

4. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89, 06.19.23)*
5. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.
6. Off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, *the* site plan.
2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the OP District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 09.14.89, 06.19.23)*
3. The off-street parking areas and driveway accesses shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*

E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*

F. Lighting Regulations. *(amended 04.27.00)*

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

G. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least eighty-six (86) feet, except as otherwise specified herein.

H. Utilities. All utilities servicing the business structure shall be buried underground.

I. Covered Trash Receptacles (*amended, 06.19.23*).

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

J. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side yards of a non-residential district.
2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. (*amended 08.15.16*)

L. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. (*amended 01.05.87, 02.03.03*)

M. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. (*amended 08.03.00*)

N. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. (*added 09.17.07*)

**Section 9.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 07.16.18)*

Please see the chart in section 9.01 for variations to these requirements by use.

	OP
Front Yard Setback	30 ft.**
Rear Yard Setback	30 ft.**
Side Yard Setback	20 ft. on each side **
Minimum Lot Area	20,000 sq. ft.
Maximum Lot Coverage	30%
Maximum Height of All Structures	25 ft.**
Minimum Clear Space Around Structures	15 ft.

\*\* Within the Lapeer Road Overlay Zone, building height shall not exceed fifty (50) feet. However, if a building exceeds twenty-five (25) feet in height, rear yard and side yard setbacks shall increase by ten (10) feet for a total of thirty (30) feet side yard and forty (40) feet rear yard. Front yard setbacks within the Lapeer Road Overlay District shall be a minimum of fifty (50) feet. *(added 02.01.16)*

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**ARTICLE X**

This Article has been deleted in its entirety and combined with Article IX, as part of Ordinance 78, adopted by the Charter Township of Orion Board of Trustees at its Regular Meeting of Monday February 1, 2016.

*(effective 02.11.16)*

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**Section 11.00 – Preamble** *(amended 02.19.08, 02.01.16)*

The Restricted Business (RB) District is intended to provide for the convenient shopping needs of persons residing in adjacent residential areas. The RB District accommodates small shopping plazas or individual buildings so as to service the basic personal service and day-to-day shopping needs. RB District uses are further intended to be low - intensity uses that are compatible with adjacent residential uses and are intended to maintain restrictions necessary to minimize disturbances to those areas. The RB District is further intended to have direct access onto an existing or proposed collector or thoroughfare.

**Section 11.01 – Use Matrix** *(added 02.01.16, amended 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

<b>LAND USE</b> <i>(amended 07.16.18, 08.16.21)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right      S = Special Use</b>	<b>RB</b>	
<b>Extended hour uses</b>	S	A
<b>Retail, Entertainment and Service</b>		
<i>Entertainment, Amusement and Recreational Uses</i>		
Health clubs and exercise establishments	P	
Private indoor recreation facilities (such as yoga, karate and dance studios)	P	
<i>Automobile-Related Uses</i>		
Automobile parts, accessories (no auto sales/service)	P	
<i>Eating and Drinking Establishments</i>		
Bar/Lounge	P	
Outdoor café	S	B
Outdoor patio	P	C
Restaurant (no drive-thru)	P	
<i>General Retail</i>		
Day-to-day consumer goods	P	
Grocery store	P	
Home improvement/Hardware store	P	
Neighborhood convenience store (no gasoline sales)	P	
Pharmacy/drugstore (without drive-thru pharmacy)	P	
Pharmacy/drugstore (with drive-thru pharmacy)	S	F, A
Specialty food store	P	
Outdoor display areas	P	D
<i>General Service</i>		
Dry cleaning	P	
Printing, copying, or shipping stores	P	
General appliance repair/service	P	
Financial and insurance service (banks, credit unions, etc.) (no drive-thru)	P	
Banks, credit unions (with drive-thru)	S	F
Personal service	P	
Pet grooming/daycare	P	E
Real estate/property management services	P	
Travel/ticket agencies	P	

LAND USE <i>(amended 07.16.18, 08.16.21)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>	<b>RB</b>	
<b>Extended hour uses</b>	S	A
<b>Office</b>		
Emergency or extended hour medical clinics	S	A
Professional and medical offices	P	
Veterinary clinics and hospitals	P	E
<b>Civic and Institutional</b>		
Schools for music, dance, business or trade	P	
Private clubs, fraternal organizations, lodge halls, and places of worship	P	
<b>Accessory Land Uses</b>		
Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02.	P	G
<b>Other Uses</b>		
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
<b>Prohibited Uses</b>		
Outside storage of materials, supplies, vehicles, equipment or similar items		

**Section 11.02 – Footnotes to the Use Matrix** *(added 02.01.16, amended 07.16.18)*

- A. The special use shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals.
  - 1. Setback. All buildings, drive-thru canopies, or speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. Associated parking lots, maneuvering lanes, drive-thru lanes (if applicable) shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels.
  - 2. Buffering. All parcel perimeters which abut a single family zoned and/or used parcel shall have no less than a six (6) foot continuous buffer. The buffer may consist of a solid fence or wall, a double staggered row of evergreens and/or a combination of each.
  - 3. Noise. Any noise associated with an extended hour use shall not exceed sixty (60) decibels when measured at the property line. The noise shall also not be intermittent in nature, high frequency, or that which causes vibration.
  - 4. Lighting. Any operation or activity which produced glare shall not cause illumination in excess of 0.3 foot-candles when measured along the lot line of a single family zoned and/or used parcel. Between dusk and dawn the light levels shall be further reduced to 0.0 foot-candles when measured at the same property lines.
- B. Restaurant with an outdoor café subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, with the exception that no site plan will be required unless requested by the Planning Commission, and subject to:
  - 1. Seasonal use restrictions.

2. Hours of operation.
  3. Sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers.
  4. Compliance with Michigan Liquor Control Commission (MLCC) requirements.
  5. Compliance with Township Noise Regulations (Ordinance No. 135).
  6. Other conditions as required by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.
- C. Restaurant uses may also include an outdoor patio subject to administrative review by the Building Department. No site plan will be required for an administrative review unless requested by the Planning Commission. *(amended 07.16.18)*
- D. Outdoor Display and Sales area, subject to the following: *(added 02.16.10, amended 07.16.18)*
1. Outdoor display and sales area shall not exceed ten percent (10%) of the building or one thousand (1,000) square feet, whichever is less.
  2. Outdoor display and sales area shall adhere to all setback requirements, shall not encroach upon a parking lot, driveway, or public right-of-way, and shall maintain at least five (5) feet of clear pedestrian passage on sidewalk areas. Materials shall be displayed no closer than ten (10) feet from building entrance doors.
  3. Bulk storage or stockpiles of unpackaged mulch, soil, gravel, building supplies, or similar materials shall be prohibited. Flammable products shall be located away from structures to prevent a fire hazard.
  4. Outdoor display and sales areas shall be subject to administrative review and permitting by the Building Department.
- E. Pet grooming facilities, pet daycare for small household pets or veterinary hospitals or clinics, provided that:
1. All activities are conducted within a totally enclosed building.
  2. The facility has no outdoor runs or kennels.
  3. Inside boarding facilities are confined to use by animals being treated by the hospital or clinic.
  4. The applicant makes provisions to deal with pet litter and potential conflict between pets, pedestrians, and vehicular traffic. Such provisions may include locating in the end unit in a shopping center, and/or providing a grassy area or garden adjacent to the clinic for use by pets, and/or designating a special parking area close to the clinic.
- F. Drive thru facilities as permitted in this Section shall be subject to the landscaping and screening wall requirements of Section 27.05.5.
- G. Total maximum floor area of all accessory structures is 500 sq. ft. *(added 07.16.18)*

### **Section 11.03 – Required Conditions** *(amended 02.21.06, 02.01.16, 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be nine-thousand (9,000) square feet.
- C. Off-Street Parking.
1. All principal uses shall be contained within a building or combination of buildings that have a common parking lot.
  2. Parking requirements shall be based upon the following schedule:
    - a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personnel services, banks, etc.
    - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
    - c. One parking space for every three (3) persons as designated in the maximum occupancy load of the building for private clubs, fraternal organization, lodge halls, and places of worship. *(added 08.16.21)*
    - d. Parking requirements for all other uses in the RB district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
  3. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
  4. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89, 08.06.98, 06.19.23)*
  5. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.
  6. Off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance; provided, however, that when there are conflicts between that section and this, the provisions of this Section shall apply.
  7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  2. A landscaped greenbelt at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the RB District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 09.14.89, 08.06.98)*
  3. The off-street parking area and driveway access to said parking area shall be screened from view from any adjoining residential property.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*
  6. Where commercial uses abut residential uses, the Planning Commission may require a greenbelt buffer, berm, or obscuring wall or combination of the aforementioned methods of screening in accordance with Section 27.05 (A)(5). *(added 02.19.08)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least eighty-six (86) feet.
- H. Utilities. All utilities servicing the business structure shall be buried underground.
- I. Covered Trash Receptacles. *(amended 06.19.23)*
- All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.
- J. Loading and Unloading.
1. Loading and unloading areas shall be located in the rear or side yards of a non-residential district.
  2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
  3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- L. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*
- M. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
- N. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135. *(added 02.19.08)*

**Section 11.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 02.01.16, 07.16.18)*

**Please see the chart in Section 11.01 for variations to these requirements by use.**

	<b>RB</b>
Front Yard Setback	20 ft.
Rear Yard Setback	20 ft.
Side Yard Setback	15 ft. on each side
Minimum Lot Area	9,000 sq. ft.
Maximum Lot Coverage	30%
Maximum Building	20,000 square feet*
Maximum Height of All Structures	25 ft. <i>(amended 09.20.90)</i>
Minimum Clear Space Around Structures	15 ft.

\*For buildings with single proprietary business or single tenant use.



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**Section 14.00 – Preamble** *(amended 02.19.08, 02.01.16)*

The General Business (GB) District is intended to provide locations for individual businesses or a collection of businesses that provide a commodity or service on a regional basis. The zoning district is characterized by higher traffic generation and greater degrees of sight visibility and requires a site design which will not impede the flow of traffic or traffic safety. The GB District is intended to have the necessary restrictions to limit businesses’ impact upon the community. This includes safe and efficient traffic flow, adequate parking and attractive landscaping. The GB District is further intended to have direct access onto an existing or proposed thoroughfare, but only where optimum egress and regress can be provided.

**Section 14.01 – Use Matrix** *(amended 05.30.85, 07.06.87, 02.19.08, 02.01.16, 07.16.18)*

Uses are allowed in the GB Zoning District in accordance with the use matrix of this Section. Unless otherwise permitted as a special use, retail or service establishments shall not exceed **fifty-five thousand (55,000) square feet** in gross floor area for a single tenant. Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

LAND USE <i>(amended 07.16.18, 08.16.21)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>GB</b>	
<b>Retail, Entertainment and Service</b>		
<u><i>Amusement, Entertainment and Recreational Uses</i></u>		
Health clubs and exercise establishments	P	
Private indoor recreation facilities – small scale (such as yoga, karate and dance studios)	P	
Private indoor recreational facilities – large scale (such as court sports, billiards, roller/ice skating rinks, laser tag)	S	
Bowling Alleys	P	
Theaters/Arenas for performing arts or athletic events	P	<i>B</i>
<u><i>Automobile-Related Uses</i></u>		
Automobile parts, accessories	P	
Automobile dealerships, used car sales facilities, showrooms	P	
Automobile repair garages, service centers, and other automotive retail operations (no gasoline sales)	P	
Automobile wash establishments	P	<i>C</i>
Recreational vehicle sales/service	P	
Gasoline/fuel service stations	S	
<u><i>Eating and Drinking Establishments</i></u>		
Bar/Lounge	P	
Outdoor café	S	<i>D</i>
Outdoor patio	P	<i>E</i>
Restaurant (no drive-thru)	P	
Restaurant (drive-thru)	S	<i>A, I</i>
Catering establishments and food storage lockers	P	
Conference, meeting, and banquet facilities	S	
<u><i>General Retail</i></u>		
Day-to-day consumer goods	P	
Grocery store	P	
Furniture or appliance store	P	
Florists, nurseries, outdoor garden shops	P	

*Revised 07/06/23*

LAND USE <small>(amended 07.16.18, 08.16.21)</small>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>GB</b>	
Home improvement/hardware store (less than 55,000 square feet)	P	
Large scale retail establishments (greater than 55,000 square feet)	S	<i>F</i>
Lumber yard	P	
Neighborhood convenience store (no gasoline sales)	P	
Pharmacy/drugstore (with or without drive-thru pharmacy)	P	<i>A, I</i>
Specialty food store	P	
Outdoor display areas	P	<i>G</i>
Showrooms of a plumber, electrician or building contractor	P	
Showrooms with on-site fabrication processing or wholesaling	S*	<i>J</i>
<u>General Service</u>		
Dry cleaning/laundromats	P	
Hotel/motel	S	
Printing and publishing establishments (less than 10,000 square feet)	P	
Printing, copying, or shipping stores	P	
General appliance repair/service	P	
Financial and insurance service (banks, credit unions, etc. with or without drive-thru)	P	<i>A, I</i>
Personal service	P	
Tattoo and body art/piercing establishments	S	
Pet grooming/daycare	P	<i>H</i>
Overnight boarding for pets/kennels	S	
Real estate/property management services	P	
Travel/ticket agencies	P	
<b>Office</b>		
Emergency or extended hour medical clinics	S	<i>A</i>
Professional and medical offices	P	
Veterinary clinics and hospitals	P	<i>H</i>
<b>Civic and Institutional</b>		
<u>Educational Services</u>		
Schools for music, dance, business or trade	P	
Private schools for profit	P	
Public service and government facilities	P	
Private clubs, fraternal organizations, lodge halls, organizational meeting facilities or banquet halls, and places of worship	P	
Churches	S*	<i>J</i>
Public transportation facilities	P	
<b>Other Uses</b>		
Mini-storage and warehousing	S*	<i>J</i>
Extended hour uses	S	<i>A</i>
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
<b>Accessory Uses</b>		
Outdoor storage in accordance with Section 27.19.	P	
Accessory outdoor uses customarily incidental to the permitted uses in this Section. Total area of the outdoor area not to exceed 25% of the area occupied by the principal use, building, or structure.	P	

LAND USE <i>(amended 07.16.18, 08.16.21)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b> <b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>GB</b>	
Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02.	P	

**Section 14.02 – Footnotes to the Use Matrix** *(amended 09.20.90, 02.01.16, 07.16.18)*

- A. Extended hour uses and drive-thrus shall be subject to the following regulations:*(added 02.21.06)*
  - 1. Setback. All buildings, drive-thru canopies or speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. Associated parking lots, maneuvering lanes, drive-thru lanes (if applicable) shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels.*(amended 04.05.10)*
  - 2. Buffering. All parcel perimeters which abut a single family zoned and/or used parcel shall have no less than a six (6) foot continuous buffer. The buffer may consist of a solid fence or wall, a double staggered row of evergreens and/or a combination of each.
  - 3. Noise. Any noise associated with an extended hour use shall not exceed sixty (60) decibels when measured at the property line. The noise shall also not be intermittent in nature, high frequency, or that which causes vibration.
  - 4. Lighting. Any operation or activity which produces glare shall not cause illumination in excess of 0.3 foot-candles when measured along the lot line of a single family zoned and/or used parcel. Between dusk and dawn, the light levels shall be further reduced to 0.0 foot-candles when measured at the same property lines.
- B. All theaters and arenas shall be a one-story, free-standing completely enclosed building.
- C. Automobile wash establishments shall be enclosed in a building and provide sufficient area for vehicles to await their turn. Automobile wash establishments shall only be permitted where sewers are available.
- D. Restaurant with an outdoor café subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, with the exception that no site plan will be required unless requested by the Planning Commission, and subject to: *(added 02.16.10)*
  - 1. Seasonal use restrictions.
  - 2. Hours of operation
  - 3. Sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers.
  - 4. Compliance with Michigan Liquor Control Commission (MLCC) requirements.
  - 5. Compliance with Township Noise Regulations (Ordinance No. 135).
  - 6. Other conditions as required by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.
- E. Restaurant uses may also include an outdoor patio subject to administrative review by the Building Department. No site plan will be required for an administrative review unless requested by the Planning Commission. *(amended 02.19.08, 07.16.18)*

- F. All large scale retail establishments must comply with the requirements outlined in Section 27.16 – Large Scale Retail Establishments.
- G. Outdoor Display and Sales area, subject to the following *(amended 07.16.18)*:
1. Outdoor display and sales shall not exceed ten percent (10%) of the building or one thousand (1,000) square feet, whichever is less.
  2. Outdoor display and sales area shall adhere to all setback requirements, shall not encroach upon a parking lot, driveway, or public right-of-way, and shall maintain at least five (5) feet of clear pedestrian passage on sidewalk areas. Materials shall be displayed no closer than ten (10) feet from building entrance doors.
  3. Bulk storage or stockpiles of unpackaged mulch, soil, gravel, building supplies, or similar materials shall be prohibited. Flammable products shall be located away from structures to prevent a fire hazard.
  4. Outdoor display and sales areas shall be subject to administrative review and permitting by the Building Department.
- H. Pet grooming facilities, pet daycare for small household pets or veterinary clinics, provided that:
1. All activities are conducted within a totally enclosed building.
  2. The facility has no outdoor runs or kennels.
  3. Inside boarding facilities are confined to use during the day by animals being groomed.
  4. The applicant makes provisions to deal with pet litter and potential conflict between pets, pedestrians, and vehicular traffic. Such provisions may include locating in the end unit in a shopping center, and/or providing a grassy area or garden adjacent to the clinic for use by pets, and/or designating a special parking area close to the clinic.
- I. Drive thru facilities as permitted in this Section shall be subject to the landscaping and screening wall requirements of Section 27.05
- J. Uses as listed below are allowed as a special land use on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the General Business zoning district, and may include such uses as *(amended 08.16.21)*:
1. Showrooms for kitchen, bath, household fixtures, household furniture, with on-site fabrication processing or wholesaling.
  2. Mini-storage and warehousing.

**Section 14.03 – Required Conditions** *(amended 01.30.86, 09.20.90, 02.01.16, 07.16.18, 05.04.20)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be twelve thousand (12,000) square feet.
- C. Off-Street Parking.
1. Parking requirements shall be based upon the following schedule *(amended 08.06.07)*:

- a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, etc.
  - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
  - c. One (1) parking space per three (3) seats for theatres, performing arts centers, etc.
  - d. One parking space for every three (3) persons as designated in the maximum occupancy load of the building for private clubs, fraternal organizations, lodge halls, and places of worship. *(added 08.16.21)*
  - e. Parking requirements for all other uses in the GB district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
  3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 07.06.87, 06.19.23)*
  4. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.
  5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
  6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of a GB District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 07.06.87, 06.19.23)*
  3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
  4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93, 04.05.10)*

6. Where commercial uses abut residential uses, the Planning Commission may require a greenbelt buffer, berm, or obscuring wall or combination of the aforementioned methods of screening in accordance with Section 27.05 (A)(5). *(added 02.19.08)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
  1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least one hundred twenty (120) feet.
- H. Utilities. All utilities servicing the buildings or structures shall be buried underground.
- I. Covered Trash Receptacles. *(amended, 06.19.23)*

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.
- J. Loading and Unloading
  1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
  2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.
  3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- L. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*

- M. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
- N. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*
- O. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135. *(amended 02.19.08)*

**Section 14.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 09.20.90, 02.01.16, 07.16.18)*

Please see the Matrix Chart in Section 14.01 for variations to these requirements by use.

	<b>GB</b>
Front Yard Setback	30 ft.
Rear Yard Setback	30 ft.
Side Yard Setback	20 ft. on each side
Minimum Lot Area	12,000 sq. ft.
Maximum Lot Coverage	30%
Maximum Heights of All Structures	25 ft.
Minimum Clear Space Around Structures	20 ft.



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**Section 16.00 – Preamble** *(amended 02.01.16)*

The Limited Industrial (LI) District is designed so as to primarily accommodate employment centers related to light industrial uses, wholesale activities, warehouses, and limited manufacturing and industrial operations. The district is intended to permit only those uses whose external, physical effects are restricted to the area of the district and only exert minimal detrimental effects to the surrounding districts. The district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

**Section 16.01 – Use Matrix** *(added 02.01.16, amended 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

<b>LAND USE</b> <i>(amended 07.16.18, 05.04.20)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b> <b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>LI</b>	
<b>Industrial, Research, and Technology Uses</b>		
<u>Manufacture, assembly, repair, processing, packaging of:</u>		
Electrical appliances, related electronic instruments and devices, including but not limited to computers, cellular phones and tablets.	P	
Fabricated metal products, electronic or neon signs.	P	
Material science products, such as plastics, polymers, laser technology and robotics.	P	
Professional, scientific and precision instruments, such as laboratory apparatus and analytical, optical, measuring and controlling instruments.	P	
Semi-finished products, articles, or merchandise such as, but not limited to bakery goods, food products, cloth, glass, and plastics.	P	
Building material sales	P	
Contractor storage yards	P, S	A
Mini-storage and warehousing	P	
Printing plants	P	
Recreational vehicle storage buildings/yards	P/S	A
Tool, die, gauge, and machine shops	P	
Warehousing and wholesale establishments, storage and transfer facilities	P	
<b>Office</b>		
Offices related to the principal use.	P	
Veterinary clinics and animal boarding	S*	H
<b>Retail, Entertainment and Service</b>		
<u>Entertainment, Amusement and Recreational Uses</u>		
Health clubs and exercise establishments	S	B
Private indoor recreation facilities (such as batting cages, dance studios, indoor soccer, ice rinks, archery)	S	B
<u>Automobile-Related Uses</u>		
Automotive retail and service facilities	S*	H
Automobile dealership, repair, service center, and used car facilities	S*	H
Automotive repair, paint and body shop, collision shop	S*	H

LAND USE <i>(amended 07.16.18, 05.04.20)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b> <b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>LI</b>	
Equipment repair and sales	S*	H
<i>Eating and Drinking Establishments</i>		
Restaurant (no drive-thru or carry-out)	S	C
Restaurants, including drive-through restaurants	S*	H
Outdoor café	S	D
Outdoor patio	P	E
<i>General Retail</i>		
Showrooms for retail activities associated with fabrication, assembly processing, or wholesaling.	S*	H
<i>General Service</i>		
Printing, copying, or shipping stores	P	
Hotels and motels	S*	H
Financial and insurance service (banks, credit unions, etc. with or without drive-through)	S*	H
<b>Civic and Institutional</b>		
Public utility buildings	S	F
Electric and gas transformer/regulator stations	S	F
Churches	S*	H
<b>Other</b> <i>(amended 2020)</i>		
Outdoor storage as a principal use, in accordance with Section 27.19.	P, S	
Pet Crematorium	P	I
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
<b>Accessory Uses</b>		
Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02.	P	G
Outdoor storage as an accessory use, in accordance with Section 27.19	P, S	

**Section 16.02 – Footnotes to the Use Matrix** *(amended 02.01.16, 07.16.18)*

- A. See Section 27.19
- B. Indoor recreation establishments are subject to a review of parking by the Planning Commission and subject to the submittal of parking studies based upon Institute of Transportation Engineers (ITE) standards, if required. The Planning Commission may allow a maximum building height of forty (40) feet, subject to the review of adjoining land use and a determination that additional building height for recreation uses will not adversely impact neighboring uses.
- C. Restaurants serving food and beverages for consumption within the building, but not having the character of a carry-out, drive-in, or drive-through facility, subject to the following conditions:
  - 1. The site shall abut an existing or proposed major thoroughfare having a minimum right-of-way of one hundred twenty (120) feet.
  - 2. Provision shall be made for vehicular access from abutting industrial or commercial zoned land.

3. The site and all structures shall abide by the provisions of **Section 16.03**, Required Conditions, except as modified herein:
    - a. Off-street parking shall be provided on the site in an amount equal to at least one (1) parking space for each one hundred (100) square feet of gross floor area of the principal structure
    - b. A parking area or driveway shall not be closer than ten (10) feet to an adjacent property line.
    - c. Parking areas shall be located to the side and/or rear of the principal structure.
  4. A restaurant shall be located so that it is not within a one thousand (1,000) yard radius, as measured from nearest property line to nearest property line, from another restaurant.
- D. Restaurant with an outdoor café, subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, with the exception that no site plan will be required unless requested by the Planning Commission, and subject to:
1. Seasonal use restrictions.
  2. Hours of operation
  3. Sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers.
  4. Compliance with Michigan Liquor Control Commission (MLCC) requirements.
  5. Compliance with Township Noise Regulations (Ordinance No. 135).
  6. Other conditions as required by the Planning Commission, with the Planning Commission retaining the full option of requiring a full site plan.
- E. Restaurant uses may also include an outdoor patio subject to administrative review by the Building Department. No site plan will be required for an administrative review unless requested by the Planning Commission.
- F. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations (but not including service or storage yards), when operating requirements necessitate the location of such facilities within the District in order to serve the immediate vicinity.
- G. The following accessory uses shall be permitted, subject to the standards and requirements set forth herein and in Sections 27.02 and 30.02:
1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.
  2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.
  3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.
  4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.
- H. Uses as listed below are allowed as a special land use on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Limited Industrial zoning district, and may include uses such as: *(added 09.02.14)*

1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.
  2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting, and similar uses.
  3. Automotive repair, paint and body shop, collision shop.
  4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, and construction equipment.
  5. Banks and credit unions, with or without drive-through.
  6. Restaurants, including drive-through restaurants.
  7. Churches.
  8. Veterinary clinics and animal boarding.
  9. Automobile dealership, repair, service center, and used car facilities.
  10. Hotels and motels.
  11. Uses similar to the above, in accordance with Section 27.02(E), and which will not create adverse impacts to surrounding uses.
- I. A Pet Crematorium is allowed under the following conditions *(added 05.04.20)*:
1. Pet crematoriums shall be for domesticated pets only.
  2. Gross leasable floor area of any single pet crematorium shall not exceed 3,000 square feet.
  3. Pet crematoriums shall not be used for the disposal of any waste materials.
  4. Pet crematoriums shall not emit any visible air emissions nor generate odors which are discernable beyond their lot lines.
  5. The applicant or applicant's representative for a pet crematorium shall, in the case of new construction, make a presentation of the Planning Commission on the proposed cremation equipment including emission control devices and chimney stack height. Such presentation shall include plans for ongoing emission monitoring and performance testing and documentation that all emissions fall within accepted industry practices and meet all applicable state or federal air quality standards. In the case of use of an existing building, the information shall be provided to Planning Department Staff.
  6. Pet crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state, and local permits that have been obtained.
  7. A pet crematorium may provide room(s) for private viewing of the cremation by member of the pet's family but may not be used to conduct public or private funeral services.
  8. The applicant shall identify and provide copies of any certifications that will be required to operate the pet crematorium from both a facility standpoint and operations standpoint.
  9. The pet crematorium shall at all times be in compliance with all local, state, and federal law, ordinances and regulations.
  10. A pet's remains may not be stored on the property for more than five (5) days.

**Section 16.03 – Required Conditions** *(amended 02.01.16)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be two (2) acres.
- C. Off-Street Parking.
  - 1. Parking requirements shall be based upon the following schedule, except as modified for a specific use within **Section 16.02** *(amended 08.06.07)*:
    - a. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater.
    - b. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift.
  - 2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
  - 3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially or recreationally used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. *(amended 06.15.89, 06.19.23)*
  - 4. All internal roadways and driveways in the front yard area shall be continuously curbed. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.
  - 5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
  - 6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
  - 1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  - 2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of an LI District, except where ingress and egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts any residentially or recreationally used or zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. *(amended 06.15.89, 06.19.23)*
  - 3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*
- E. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- F. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or proposed right-of-way of at least eighty-six (86) feet.
- G. Utilities. If possible, all utilities servicing the business structure shall be buried underground.
- H. Covered Trash Receptacles. *(amended 06.19.23)*
- All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.
- I. Loading and Unloading.
1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
  2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
  3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
- J. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- K. General. All activities and uses within this District shall conform to the following:

1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:
  - a. As dark or darker in shade as that designated as No. 1/2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
  - b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in Subsection (a) of this Section.
  - c. At no time may smoke emissions be darker than Ringelmann No. 1.
2. Open Fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.
3. Noxious Gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.
4. Air Contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty percent (50%) excess air.
5. Glare and Heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot-candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

6. Noise. The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.
7. Vibration. Vibrations from industrial operations and vehicular traffic in this zone must be controlled to the extent that they cannot be felt past any property line.
8. Radio Transmission. For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
9. Storage of Flammable Materials. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
10. Radioactive Materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
11. Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Oakland County Health Department, and the U.S. Environmental Protection Agency. Such requirements and



regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:

- a. No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety.
  - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
  - c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
  - d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.
  - e. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - f. Wastes shall not contain phenols in excess of .005 p.p.m.
  - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- L. **Sign Regulation.** All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- M. **Safety Paths.** Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*
- N. **Tree Preservation Regulations.** The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
- O. **Wetland Setbacks.** The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 16.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 02.01.16, 07.16.18)*

Please see the chart in Section 16.01 for variations to these requirements by use.

	LI
Front Yard Setback	50 ft.
Rear Yard Setback	25 ft. *
Side Yard Setback	25 ft. on each side *
Minimum Lot Area	2 acres
Maximum Lot Area	30 acres
Maximum Lot Coverage	30%
Maximum Heights of All Structures	40 ft. *
Minimum Clear Space Around Structures	25 ft.

\* Within the Lapeer Road Overlay District, building height shall not exceed fifty (50) feet. However, if a building exceeds forty (40) feet in height, rear yard and side yard setback shall increase by ten (10) feet for a total of thirty-five (35) feet side yard and thirty-five (35) feet rear yard. *(added 02.01.16)*

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**Section 18.00 – Preamble** *(amended 06.19.23)*

The Industrial Park (IP) Districts are intended to provide locations for the development of industrial subdivisions/condominiums or stand-alone developments permitting a variety of industrial uses in a park-like setting. Two types of developments are permissible within the Industrial Park District. These are as follows:

1. **Industrial Park**, which is defined as development with the intent of that the site will be partitioned into multiple building sites with each site having a different parcel number and owner.
2. **Industrial Parcel**, which is defined as a development with one or more buildings on one parcel with a single owner.

The intent of the Township is to ensure that these locations have full provision of roads and utilities and with adequate setbacks, greenbelts, and landscaping. This district is intended to provide locations for similar activities as are permitted in the Limited Industrial District.

**Section 18.01 – Use Matrix** *(added 07.16.18, amended 12.20.21)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

LAND USE	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b> <b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>IP</b>	
<b>Industrial, Research, and Technology Uses</b>		
<i>Compound, manufacture, assembly, treatment, repair, processing, packaging of:</i>		
Electrical appliances, electronic instruments and devices, including but not limited to computers, cellular phones and tablets.	P	
Electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.	P	
Previously prepared materials such as, but not limited to, the following: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, soil, textiles, millwork, tobacco, wax, wire, wood or yarns, and sheet metal, but not including large stamping plants and saw mills.	P	
Pottery & figurines or other similar ceramic products using only previously pulverized clay or kilns fired only by electricity or gas.	P	
Bakery goods, candy, food products, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.	P	
Musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products.	P	
Storage buildings, repair facilities, and/or yards for vehicles, equipment, & materials for contractors, landscaping, and/or lawn treatment services, and recreational vehicles	P	A
Packaging and/or parcel delivery services	P	
Printing plants	P	
Tool, die, gauge, and machine shops	P	
Warehousing and wholesale establishments, storage and transfer facilities (other than those accessory to an adjoining retail use and not including waste disposal transfer stations)	P	
Facilities where primary activities are of an experimental or testing nature	P	

LAND USE	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b> <b>S* = Special Use permitted within Lapeer Road Overlay District</b>	<b>IP</b>	
<b>Office</b>		
Offices related to the principal use.	P	
Veterinary clinics and animal boarding	S*	D
<b>Retail, Entertainment and Service</b>		
<u>Entertainment, Amusement and Recreational Uses</u>		
Health clubs and exercise establishments	S	B
Private indoor recreation facilities (such as batting cages, dance studios, indoor soccer, ice rinks, archery)	S	B
<u>Automobile-Related Uses</u>		
Automotive retail and service facilities	S*	D
Automotive repair, paint and body shop, collision shop	S*	D
Equipment repair and sales	S*	D
<u>Eating and Drinking Establishments</u>		
Restaurants, including drive-through restaurants	S*	D
<u>General Retail</u>		
Building material sales	P	
Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, assembly processing, or wholesaling.	S*	D
<u>General Service</u>		
Mini-storage and warehousing	S*	D
Hotels and motels	S*	D
Financial and insurance service (banks, credit unions, etc. with or without drive-through)	S*	D
<b>Civic and Institutional</b>		
Churches	S*	D
<b>Other</b>		
Planned Unit Development, subject to the standards and approval requirements of Section 30.03	P	
Outdoor storage as a principle use in accordance with Section 27.19	P/S	
<b>Accessory Uses</b>		
Outdoor storage as an accessory use, in accordance with Section 27.19.	P/S	
Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02	P	C
<b>Uses Not Permitted</b>		
Facilities where activities of a retail nature, except for building material sales, parcel delivery services, and licensed marihuana facilities that include a retail component as authorized under Ordinance No. 154, are conducted.		
Stand-alone facilities for the sale and/or consumption of food or beverages either on or off-site (except as special land use within the Lapeer Overlay District		

**Section 18.02 – Footnotes to the Use Matrix** *(added 07.16.18)*

- A. See Section 27.19
- B. Indoor recreation establishments are subject to a review of parking by the Planning Commission and subject to the submittal of parking studies based upon Institute of Transportation Engineers (ITE) standards, if required. The Planning Commission may allow a maximum building height of forty (40) feet, subject to the review of adjoining land use and a determination that additional building height for recreation uses will not adversely impact neighboring uses.

- C. The following accessory uses shall be permitted, subject to the standards and requirements set forth herein and in Sections 27.02:
1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.
  2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.
  3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.
  4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.
- D. Uses as listed below are allowed as a special land use subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Industrial Park zoning district, and may include uses such as: *(added 09.02.14, amended 07.16.18)*
1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.
  2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting and similar uses.
  3. Automotive repair, paint and body shop, collision shop.
  4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools and construction equipment.
  5. Banks and credit unions, with or without drive-through.
  6. Restaurants, including drive-through restaurants including outdoor café and/or patio subject to:  
  
Seasonal use restrictions, hours of operation, sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers, compliance with Michigan Liquor control Commission (MLCC) requirements (for a café), compliance with Township Noise Regulations (Ord. No. 135), and/or other conditions as required by the Planning Commission. No site plan will be required unless requested by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.
  7. Places of worship *(amended, 06.19.23)*
  8. Hotels and motels
  9. Veterinary clinics and animal boarding
  10. Mini-storage and warehousing

**Section 18.03 – Required Conditions** *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size.
1. The minimum parcel size for an Industrial Park as a whole shall be twenty (20) acres.
  2. The minimum lot size within an Industrial Park shall be two (2) acres. *(amended 06.13.96)*
- C. Access. It is intended that the effects of any industrial activity in an IP District should be confined within the IP District so as to not create any nuisance or hazard for adjacent or nearby uses. It is further intended that an Industrial Park within the IP District shall have *(added June 2023)*:
1. An internal roadway with a minimum sixty (60) foot right-of-way;
  2. That each building or use within the complex have direct access onto that internal roadway;
  3. That the district, as a whole, shall have direct access onto an existing or proposed major thoroughfare.

If the development is an Industrial Parcel C1-2 above shall not apply.

- D. Off-Street Parking *(amended 06.19.23)*.
1. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater for uses within the IP zoning district. One (1) additional parking space shall be added for every four (4) required spaces for facilities which operate more than one employee shift. *(amended 08.06.07)*
  2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
  3. No parking area or driveway shall be closer than twenty (20) feet to the adjacent property line. However, if the parcel in question abuts a residentially or recreationally used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. *(amended 06.15.89, 06.19.23)*
  4. The internal roadway within an Industrial Park shall not be closer than one hundred (100) feet to an adjacent property line outside the Industrial Park. *(amended 06.19.23)*
  5. All internal roadways and driveways in the front yard area shall be continuously curbed. All roadways, driveways and parking areas shall consist of hard-surfaced concrete, blacktop or equivalent, as approved by the Planning Commission.
  6. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
  7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- E. Landscaping.
1. A landscape plan for each use in the Industrial Park shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. *(amended 06.15.89, 05.22.97, 06.19.23)*
  3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
  4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition. In addition, an underground lawn irrigation system shall be required in any landscaped area located in the front yard. *(amended 05.22.97)*
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*
- F. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- G. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- H. Public Road Access.
1. Any industrial park developed or proposed in the Industrial Park District shall have an internal public road having a minimum right-of-way of at least sixty (60) feet.
  2. The internal public road shall have direct access onto an existing or proposed major thoroughfare having a thoroughfare having a right-of-way of at least one hundred twenty (120) feet.
- I. Utilities. All utilities servicing the business structure may be required by the Planning Commission to be buried underground.
- J. Covered Trash Receptacles. *(amended , 06.19.23)*

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion,



waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

K. Loading and Unloading.

1. The loading and unloading area shall not be located where it will not interfere with parking or obstruct ingress and egress.
2. The loading and unloading area shall be located in the rear or side yard. However, it may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.
3. Truck wells shall not be located in the front yard area.
4. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

L. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*

M. General Requirements. All activities and uses within this District shall conform to the following:

1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:
  - a. As dark or darker in shade as that designated as No. 1/2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
  - b. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in Subsection (a) of this Section.
  - c. At no time may smoke emissions be darker than Ringelmann No. 1.
2. Open Fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.
3. Noxious Gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.
4. Air Contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty percent (50%) excess air.
5. Glare and Heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot-candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

6. Noise. The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated

in conformance to the requirements of the American Standards Association. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.

7. **Vibration.** Vibrations from industrial operations and vehicular traffic in this zone must be controlled to the extent that they cannot be felt past any property line.
8. **Radio Transmission.** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
9. **Storage of Flammable Materials.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
10. **Radioactive Materials.** No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
11. **Water Pollution.** Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Oakland County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
  - a. No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
  - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
  - c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
  - d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.
  - e. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - f. Wastes shall not contain phenols in excess of .005 p.p.m.
  - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- N. **Safety Paths.** Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.04.03)*
- O. **Tree Preservation Regulations.** The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
- P. **Wetland Setbacks.** The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 18.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)**

Please see the chart in Section 18.01 for variations to these requirements by use.

	<b>IP</b>
Front Yard Setback	50 ft.
Rear Yard Setback	50 ft. *
Side Yard Setback	20 ft. on each side *
Minimum Lot Area for Total Industrial Park	20 acres
Minimum Lot Area for Each Principal Structure or Use Within Industrial Park	2 acres
Maximum Lot Coverage	35%
Maximum Heights of All Structures	40 ft. *
Minimum Clear Space Around Structures	15 ft.

*amended 06.13.96, 05.22.97, 09.02.14*

- \* Within the Lapeer Road Overlay District, building height shall not exceed fifty (50) feet. However, if a building exceeds forty (40) feet in height, rear yard and side yard setbacks shall increase by ten (10) feet for a total of thirty (30) feet side yard and sixty (60) feet rear yard. *(amended 02.01.16)*

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**Section 19.00 – Preamble** *(amended 07.05.22)*

The Industrial Complex (IC) District is intended to provide a location for a large-scale manufacturing or assembly use. It is intended that uses in this District shall have these general requirements:

- A. The need for an extensive amount of contiguous land area.
- B. Direct service by railroad lines and a network of major thoroughfares.
- C. Its own power generating plant and industrial waste treatment system.

**Section 19.01 – Use Matrix** *(amended 07.16.18, 07.05.22)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02E, provided that such uses will not create adverse impacts to surrounding uses.

LAND USE	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>	<b>IC</b>	
<b>Industrial, Research, and Technology Uses</b>		
<i>Manufacturing, Assembly</i>		
A manufacturing or assembly plant of at least two million (2,000,000) square feet under one roof. <i>(amended 07.05.22)</i>	S	
A series of interconnected manufacturing and/or assembly plants on one site and under one ownership and having at least two million (2,000,000) square feet of total floor space. <i>(amended 07.05.22)</i>	S	
<b>Indoor Recreation Use</b>		
<i>Entertainment, Amusement and Recreational Uses</i>		
Indoor recreation facilities (such as batting cages, dance studios, cheerleading, gymnastics, indoor courts and fields [football, soccer, tennis, basketball], driving ranges, archery, skating rinks, hockey, and other indoor recreation facilities)	S	A
<b>Accessory Special Land Use</b>		
Shipping and receiving buildings	S	
Power generating plant	S	
Industrial waste treatment facility	S	
Storage areas for equipment, vehicles, and materials used by the permitted principal use	S	
Offices for the use of and related to the permitted principal use	S	
Outdoor storage per Section 27.19	S	

**Section 19.02 – Footnotes to the Use Matrix** *(amended 07.16.18)*

- A. Indoor recreation establishments are subject to a review of parking by the Planning Commission and subject to the submittal of parking studies based upon Institute of Transportation Engineers (ITE) standards, if required. The Planning Commission may allow a maximum building height of forty (40) feet, subject to the review of adjoining land use and a determination that additional building height for recreation uses will not adversely impact neighboring uses.

**Section 19.03 – Required Conditions** *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum and Maximum Parcel Size.
  - 1. The minimum parcel size shall be four hundred (400) acres. *(amended 07.05.22)*
- C. Off-Street Parking.
  - 1. Parking requirements shall be based upon the following schedule *(amended 08.06.07, 07.05.22)*:
    - a. One (1) parking space per one thousand (1000) square feet of gross floor area or one (1) space per employee whichever is greater for uses within the IC zoning district.
    - b. Fifty (50) visitor parking spaces shall also be provided for parcels larger than twenty-five (25) acres.
  - 2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and / or the level of current or future customer traffic. *(amended 01.30.86)*
  - 3. Driveways and parking areas may be curbed and shall consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.
  - 4. All off-street parking shall conform to the standards set forth in Section 27.04 (A)(1), (A)(2), and (A)(3)a & b of this Ordinance *(amended 07.05.22)*.
  - 5. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than ten (10) feet to the adjacent property lines. *(added 07.16.18, amended, 06.19.23)*
  - 6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
  - 1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  - 2. A landscaped screen, at least fifty (50) feet in width, shall be provided along the entire perimeter of an IC District use, except where ingress and egress drives are located. Internal roads are permitted to be located within the landscape screen buffer. *(amended 07.05.22)*
  - 3. Such screening shall consist of earth berms or evergreen landscaping subject to approval of the Planning Commission.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements if provided evidence that the proposed landscape plans meet the intent of the landscaping provision as described in the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93, 07.05.22)*
  6. Properties in the IC District are not required to obtain a Tree Removal Permit and not subject to the requirements of Sec 27.12. *(added 07.05.22)*
  7. Parking areas should contain landscape areas to provide opportunities for rain gardens and stormwater runoff detention. The Planning Commission may, at their discretion, waive the requirements for landscaped islands based on evidence provided by the applicant that such landscaping would not provide significant stormwater detention benefits. *(added 07.05.22)*
- E. **Sign Regulation.** All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. **Lighting Regulations.** *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. **Public Road Access.** Any use developed or proposed within this district shall have direct access to more than one existing or proposed major thoroughfare having a minimum right-of-way of at least one hundred twenty (120) feet.
- H. **Utilities.** If possible, all utilities servicing the business structure shall be buried underground.
- I. **Covered Trash Receptacles.** *(amended 06.19.23)*
- All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.
- J. **Loading and Unloading.**
1. Loading and unloading areas shall be located in the rear or side yard of a non-residential structure.

2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
  3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
  4. The Planning Commission may, at their discretion, modify or waive certain loading requirements if provided evidence that the loading requirements in Section 27.04 do not reflect industry requirements and needs. *(added 07.05.22)*
- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- L. General. All activities and uses within this District shall conform to the following:
1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:
    - a. As dark or darker in shade as that designated as No. 1/2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
    - b. Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (a) of this Section.
    - c. At no time may smoke emissions be darker than Ringelmann No. 1.
  2. Open Fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.
  3. Noxious Gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.
  4. Air Contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty percent (50%) excess air.
  5. Glare and Heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot-candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
  6. Noise. The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.
  7. Vibration. Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.



8. Radio Transmission. For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
9. Storage of Flammable Materials. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
10. Radioactive Materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
11. Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Oakland County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
  - a. No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety.
  - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
  - c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
  - d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.
  - e. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - f. Wastes shall not contain phenols in excess of .005 p.p.m.
  - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- M. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. The Planning Commission may, at their discretion, modify or waive the requirements for safety paths, based on evidence provided by the applicant that indicates that another standard would be more reasonable. *(amended 01.05.87, 02.03.03, 07.05.22)*
- N. Tree Preservation Regulations. The tree permit requirements do not apply to developments in this District. *(amended 08.03.00, 07.05.22)*
- O. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 19.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 07.16.18, 07.05.22)*

Please see the Matrix Chart in Section 19.01 for variations to these requirements by use.

	<b>IC</b>
Front Yard Setback	100 ft.
Rear Yard Setback	100 ft.
Side Yard Setback	100 ft. on each side
Minimum Parcel Area	400 acres
Maximum Parcel Area	500 acres
Maximum Heights of All Structures	120 ft. subject to additional state and/or federal permits
Minimum Clear Space Around Structures	50 ft. subject to review and approval by the Fire Marshall

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**Section 20.00 – Preamble**

The Railroad Freight Yard (RFY) District is intended to permit only the construction of a railroad freight yard to serve major industrial facilities in the Township. Such a district shall be located as near as possible to the industrial properties it is to serve. It is further intended that this district have direct access onto a major thoroughfare having an existing or proposed right-of-way of at least one hundred twenty (120) feet.

**Section 20.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02E, provided that such uses will not create adverse impacts to surrounding uses.

<b>LAND USE</b> <i>(added 07.16.18)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b>	<b>RFY</b>	
<b>Rail Freight Yard and Facilities</b>		
Rail freight yard and facilities, including rail car storage, marshalling, switching or transfer facilities and appurtenances which shall provide for the needs of adjacent industrial facilities.	S	
<b>Accessory Special Land Use</b>		
Facilities for fueling, washing, inspecting and light maintenance, and repair work on rail freight yards.	S	
An office building not to exceed thirty (30) feet in height and six thousand (6,000) square feet in total floor area.	S	
Normal auxiliary uses customarily incidental to the principal use including tool and equipment storage buildings, crew quarters, radio communication building and facilities, transmission towers not exceeding one hundred (100) feet in height.	S	
Outside storage, per Section 27.19	S	<i>A</i>
<b>Uses Not Permitted</b>		
Facilities for the warehousing, storage, or shipping of products, sub-assemblies, raw materials, or personal and household items.		

**Section 20.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. All fuels or flammable liquids necessary for the operation of the railroad freight yard shall be stored underground and maintained in strict compliance with all applicable Federal and State laws and local ordinances.

**Section 20.03 – Required Conditions** *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.

**B. Minimum Parcel Size.**

1. The minimum parcel size shall be forty (40) acres.

**C. Off-Street Parking.**

1. One (1) parking space for each two employees, plus five (5) parking spaces for visitors, shall be provided on the same lot.
2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
3. Driveways and parking areas may be curbed and shall consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.
4. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
5. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*

**D. Landscaping.**

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
2. A twenty (20) foot wide greenbelt area shall be provided within the required one hundred fifty (150) foot front, rear, and side yard setbacks.
3. Except where necessary to afford access thereto, railroad freight yards shall be screened by means of a topographic variation of at least twenty-five (25) feet between the elevation of the adjacent property and the elevation of the tops of rails in the yard. This variation of twenty-five (25) feet may be obtained by:
  - a. The use of earth berms, or
  - b. The depression of the rails in the yard area to the necessary depth, or
  - c. A combination of earth berms and depression of the yard area.

Said topographic variation may be within the required one hundred fifty (150) foot setback and may be coordinated with and be a part of the required twenty (20) foot greenbelt. However, said topographic variation must also be located where it most effectively screens all adjacent properties from the view and noise of the rail facilities. Any buildings erected in the railroad freight yard must be located in the area screened by the topographic variation.

4. Trees shall be provided on the top of and on the outside face of all berms.
5. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
6. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and

when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*

- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
  - 1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  - 2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  - 3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to an existing or proposed collector or major thoroughfare having a minimum right-of-way of at least one hundred twenty (120) feet.
- H. Utilities. If possible, all utilities servicing the business structure shall be buried underground.
- I. Covered Trash Receptacles. *(amended 06.19.23)*

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

- J. Loading and Unloading.
  - 1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
  - 2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
  - 3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- L. General. All activities and uses within this District shall conform to the following:
  - 1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:

- a. As dark or darker in shade as that designated as No. 1/2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
  - b. Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (a) of this Section.
  - c. At no time may smoke emissions be darker than Ringelmann No. 1.
2. **Open Fires.** A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.
  3. **Noxious Gases.** No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.
  4. **Air Contaminants.** A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty percent (50%) excess air.
  5. **Glare and Heat.** Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot-candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
  6. **Noise.** Sound levels as measured at the common property line shall not exceed the following decibel levels when adjacent to the following types of uses:

<b>SOUND LEVEL</b>	<b>ADJACENT USES</b>
70 dBA	Residential, Office & Professional
80 dBA	Commercial, Recreation
90 dBA	Industrial and Other

The sound levels shall be measured using A-weighted decibel measurements (reference to 20 micropascals) and with a type of audio output meter approved by the United States Bureau of Standards.

Objectionable noises due to intermittence, heat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

7. **Vibration.** Vibrations from railroad operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
8. **Radio Transmission.** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
9. **Prohibited Materials.** Railroad cars containing radioactive, explosive, or toxic substances shall not be allowed within the Railway Freight Yard District at any time.
10. **Flammable Materials.** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally

used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

11. Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Oakland County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
  - a. No wastes shall be discharged into the public sewer system which are dangerous to the public health and safety.
  - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
  - c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
  - d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.
  - e. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - f. Wastes shall not contain phenols in excess of .005 p.p.m.
  - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
- M. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*
- N. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
- O. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*



**Section 20.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)**

Please see Matrix Chart in Section 20.01 for variations to these requirements by use.

	<b>RFY</b>
Front Yard Setback	150 ft.
Rear Yard Setback	150 ft.
Side Yard Setback	150 ft. on each side
Minimum Lot Area	40 acres
Maximum Structure Area	8,000 sq. ft.
Maximum Height of All Structures Except Transmission Tower	30 ft.
Minimum Clear Space Around Structures	30 ft.
Maximum Number of Rail Lines	20 separate lines

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**Section 21.00 – Preamble**

Special Purpose 1 (SP-1) Districts are intended to provide for a mixture of residential and commercial uses in one (1) location or in one (1) building. Furthermore, a primary purpose of this District is to preserve and permit one-of-a-kind mixed-use developments that are located in farm buildings and similar buildings that have converted from their original use. The District also provides for new mixed-use developments in new buildings. It is intended that all Special Purpose 1 Districts have the following characteristics:

- A. They should consist of one (1) or more buildings, unique because of their history, design, or original use, which are similar in nature and capable of attracting patrons from the metropolitan area.
- B. They should be isolated from other commercial districts.
- C. They should be isolated from other residential districts.
- D. Within the Special Purpose 1 District, the commercial activities should be located on the ground floor where such activities are readily accessible to the general public. Residential uses should be located on upper floors or in locations where the disruption from commercial activity is minimal.
- E. The Special Purpose 1 District shall be served by an internal roadway that has a right-of-way of at least sixty (60) feet. *(amended 08.29.88)*
- F. The internal road should have direct access onto a collector or major thoroughfare that has an existing or proposed right-of-way of at least eighty-six (86) feet.

**Section 21.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02E, provided that such uses will not create adverse impacts to surrounding uses.

*Matrix Chart Next Page*

LAND USE <i>(added 07.16.18)</i>	Zoning District	Footnotes
<b>P = Permitted by Right    S = Special Use</b>	<b>SP-1</b>	
<b>Residential Uses</b>		
Single-family residential uses.	S	
<b>Commercial Uses</b>		<i>A</i>
<u>Merchant, Professional Services</u>		
General store, book and/or stationary store, gift or arts & craft Shop	S	
Personal service establishments such as shoe repair, tailor shop, beauty/barber shop.	S	
Photography studio and/or camera sales-service shop.	S	
Professional offices for doctors, dentists, lawyers, accountants, insurance and/or real estate agents.	S	
<u>Food Service</u>		
Delicatessen, bakery, dairy store, or other establishment selling prepared food products when they are related to the sale of groceries	S	
Restaurants serving food and beverages for consumption within the building or for carry out, but not having the character of a drive-in facility.	S	
<b>Planning Unit Developments (PUD)</b>		
Planning Unit Developments (PUD), subject to the standards and approval requirements set forth in Section 30.03.	S	
<b>Accessory Special Land Uses</b>		
Accessory buildings, structures or uses that are clearly and customarily incidental to the principal use or uses on the parcel shall be permitted as special land uses	S	<i>B</i>
<b>Uses Not Permitted</b>		
A business or establishment having the character of a drive-in or drive-through facility.		
A business engaged in the repair or maintenance of vehicles, machinery, or other equipment.		
A business that potentially generates a heavy flow of traffic such as a gasoline station, a nursery, a lumber yard, a department store, a veterinary service, or similar businesses.		
Outside storage of materials, supplies, vehicles, equipment, or similar items		

**Section 21.02 – Footnotes to Use Matrix** *(added 07.16.18)*

A. Commercial Uses:

1. Commercial uses shall consist of retail establishments or professional services selling directly to, or performing services directly for, individuals.
2. No one business, service, or establishment shall occupy more than fifteen percent (15%) of the total square footage of the buildings and structures in the development.

B. Accessory Special Land Uses:

1. Accessory buildings or structures may be used by all or some of the principal uses in the district.

2. No accessory building or structure shall exceed two thousand (2,000) square feet in area or twenty-five (25) feet in height.
3. Accessory buildings or uses shall be located on the same parcel as the principal use.
4. Maximum square footage of all accessory buildings shall not exceed forty thousand (40,000) square feet.

**Section 21.03 – Required Conditions** *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size and Maximum Lot Coverage.
  1. The minimum development area shall be ten (10) acres.
  2. Buildings and structures shall not cover more than thirty percent (30%) of the lot area.
- C. Off-Street Parking.
  1. One (1) parking space for each two hundred (200) square feet of gross floor area of the principal use structures and buildings shall be provided within the development. Restaurants shall require one (1) parking space for each one hundred (100) square feet of gross floor area. *(amended 08.06.07)*
  2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
  3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreational zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 06.19.23)*
  4. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, or equivalent as approved by the Planning Commission.
  5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
  6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrially zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
  1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  2. A landscaped greenbelt, at least twenty (20) feet in width, shall be provided along the entire perimeter of the SP-1 District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned

property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 06.19.23)*

3. The off-street parking areas and driveway accesses to said parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission.
  4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans, as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to an internal roadway having a right-of-way of at least sixty (60) feet. This internal roadway shall have direct access to a dedicated public road having an existing or planned minimum right-of-way of at least eighty-six (86) feet.
- H. Utilities. If possible, all utilities servicing the buildings or structures shall be buried underground.
- I. Covered Trash Receptacles. *(amended 06.19.23)*
- All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.
- J. Loading and Unloading.
1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.

- 2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
- 3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04 of this Ordinance.
- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- L. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*
- M. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
- N. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 21.04 – Area and Bulk Requirements, SP-1 (For the SP-1 District as a Whole)** *(amended 07.16.18)*

**Please see the Matrix Chart in Section 21.01 for variations to these requirements by use.**

	SP-1
Front Yard Setback	30 ft.
Rear Yard Setback	40 ft.
Side Yard Setback	40 ft.
Minimum Lot Area	10 acres
Maximum Structure Area (Collectively)	200,000 sq. ft.
Maximum Lot Coverage	30%
Maximum Height of All Structures	25 ft.
Minimum Clear Space Around Structures	30 ft.

**Section 21.05 – Area and Bulk Requirements (For Each Separate Structure)** *(amended 07.16.18)*

Please see the Matrix Chart in Section 21.01 for variations to these requirements by use.

	SP-1
Front Yard Setback	30 ft.
Rear Yard Setback	40 ft.
Side Yard Setback	20 ft.
Minimum Lot Area	5,000 sq. ft.
Maximum Structure Area	10,000 sq. ft.
Maximum Height of All Structures	25 ft.
Minimum Clear Space Around Structures	30 ft.



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**Section 22.00 – Preamble**

The Special Purpose 2 (SP-2) Districts are intended to provide locations for industrial and commercial facilities that are not provided for in other districts. It is intended that such facilities have these general characteristics:

- A. They require large areas of contiguous land.
- B. They provide a necessary product or service to the community.
- C. They potentially could create traffic problems because of the size and weight of the vehicles coming from the facility or the frequency of trips to the facility.
- D. There is usually only one of each type of Special Purpose 2 use in a community.

Special Purpose 2 Districts should usually be located adjacent to industrial districts and away from residential districts. These districts are further intended to have direct access into a collector or major thoroughfare having an existing or proposed right-of-way of eighty-six (86) feet.

**Section 22.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02.E., provided that such uses will not create adverse impacts to surrounding areas.

<b>LAND USE</b> <i>(added 07.16.18)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b>	<b>SP-2</b>	
<b>Industrial and Commercial</b>		
Mini-warehouses	<i>S</i>	
Asphalt plants	<i>S</i>	
Saw and planing mills	<i>S</i>	
Sand & gravel mining and processing (subject also to the provisions set forth in Ordinance 40/ Ordinance 99).	<i>S</i>	
Junk yards	<i>S</i>	
<b>Planning Unit Developments (PUD)</b>		
Planning Unit Developments (PUD), subject to the standards and approval requirements set forth in Section 30.03.	<i>S</i>	
<b>Accessory Special Land Uses</b>		
Uses customarily incidental to the permitted principal use, provided the uses are located on the same parcel as the principal uses.	<i>S</i>	
Outdoor storage per Section 27.19	<i>S</i>	<i>A</i>
Offices for the use of, and related to, the permitted principal use.	<i>S</i>	
<b>Uses Not Permitted</b>		
Facilities for activities of an experimental or testing nature.		
Facilities where activities of a retail nature are conducted.		
Facilities for the manufacture or assembly of a finished product.		

**Section 22.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. See Section 27.19. In addition, the items being stored outside must be used by the permitted principal use and all such storage areas shall be enclosed on all sides.

**Section 22.03 – Required Conditions**

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. Minimum parcel size shall be ten (10) acres.
- C. Off-Street Parking.
1. One (1) parking space for each employee, plus five (5) parking spaces for visitors, shall be provided on the same parcel.
  2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
  3. Driveways and parking areas may be curbed and shall consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.
  4. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
  5. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 06.19.23)*
  6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrially zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  2. A landscaped greenbelt, at least twenty (20) feet in width, shall be provided along the entire perimeter of the SP-2 District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 06.19.23)*
  3. Such screening shall consist of earth berms and evergreen landscaping, subject to approval of the Planning Commission.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to an existing or proposed collector or major thoroughfare having a minimum right-of-way of at least eighty-six (86) feet.
- H. Utilities. If possible, all utilities servicing the business structure shall be buried underground.
- I. Covered Trash Receptacles. *(amended June 2023)*
- All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.
- J. Loading and Unloading.
1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
  2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
  3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04 of this Ordinance.
- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*

L. General. All activities and uses within this District shall conform to the following:

1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:
  - a. As dark or darker in shade as that designated as No. 1/2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
  - b. Of such capacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (a) of this Section.
  - c. At no time may smoke emissions be darker than Ringelmann No. 1.
2. Open Fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.
3. Noxious Gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant or animal life.
4. Air Contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty percent (50%) excess air.
5. Glare and Heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot-candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot line.

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
6. Noise. The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.
7. Vibration. Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
8. Radio Transmission. For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
9. Flammable Materials. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
10. Radioactive Materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

- 11. Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Oakland County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
  - a. No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
  - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
  - c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
  - d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve or have a dimension greater than one-half (1/2) inch.
  - e. Wastes shall not have chlorine demand greater than 15 p.p.m.
  - f. Wastes shall not contain phenols in excess of .005 p.p.m.
  - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.
  
- M. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*
  
- N. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*
  
- O. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 22.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 07.16.18)*

**Please see the Matrix Chart in Section 22.01 for variations to these requirements by use.**

	SP-2
Front Yard Setback	150 ft.
Rear Yard Setback	150 ft.
Side Yard Setback	150 ft. on each side
Minimum Lot Area	10 acres
Maximum Structure Area	25,000 sq. ft.
Maximum Height of All Structures	25 ft.
Minimum Clear Space Around Structures	150 ft.

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**Section 23.00 – Preamble**

The Recreation 1 (REC-1) District is intended to provide areas for the development of recreational uses that are located in enclosed buildings. Such facilities should be near, but not necessarily adjacent to, residential districts. It is further intended that these districts have direct access onto an existing or proposed collector or major thoroughfare.

**Section 23.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02E, provided that such uses will not create adverse impacts to surrounding uses.

<b>LAND USE</b> <i>(added 07.16.18)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b>	<b>REC-1</b>	
<b>Recreation Uses</b>		
Archery ranges	<i>P</i>	
Tennis, racquetball, squash, and/or handball courts	<i>P</i>	
Indoor golf driving ranges	<i>P</i>	
Swimming pools	<i>P</i>	
Health spas	<i>P</i>	
Uses that by their nature generate heavy traffic loads and/or excessive noise levels, such as: skating rinks, firing ranges, bowling alleys	<i>S</i>	
<b>Educational Uses</b>		
Zoological gardens	<i>P</i>	
Botanical gardens	<i>P</i>	
<b>Other Land Uses</b>		
Planning Unit Developments (PUD), subject to the standards and approval requirements set forth in Section 30.03.	<i>P</i>	
<b>Accessory Land Uses</b>		
One (1) accessory building or structure customarily incidental to any of the principal uses when they are located on the same property shall be permitted.	<i>P</i>	<i>A</i>
Display and sale of sports equipment or products that are related to the principal use.	<i>S</i>	
Eating facilities serving food and beverages for consumption within the building, but not having the character of a carry-out, drive-in, or drive-through restaurant.	<i>S</i>	
<b>Uses Not Permitted</b>		
Any use which is primarily located out-of-doors on a large tract of land, such as: golf courses, parks and campgrounds, ski hills		
Arcades		
Movie theatres		
Outside storage		

**Section 23.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. The total gross area of any accessory building shall not exceed seven hundred fifty (750) square feet, unless approved by the Planning Commission.



**Section 23.03 – Required Conditions** *(amended 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in non-conformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size and Maximum Lot Coverage. The minimum lot area shall be twenty thousand (20,000) square feet. The maximum lot coverage shall be thirty percent (30%).
- C. Off-Street Parking.
  - 1. Parking Requirements. *(amended 12.20.84)*
    - a. Archery range - three (3) spaces per target or shooting station.
    - b. Tennis, racquetball, squash or handball courts - one (1) space per person permitted by the capacity of the courts, plus additional spaces as may be required for affiliated uses or assembly space, plus one (1) space per employee on the largest shift.
    - c. Indoor golf driving range - one (1) space per tee, plus one (1) space per employee on the largest shift, plus additional spaces as may be required for affiliated uses, such as bars or restaurants.
    - d. Educational facilities - one (1) space per two hundred (200) square feet of indoor display area, plus one (1) space per employee on the largest shift.
    - e. Swimming pools/private - one (1) space per four (4) member families, or individual member, plus one (1) per employee on the largest shift.
    - f. Swimming pools/community - one (1) space per four (4) persons in accordance with the occupancy load, plus one (1) space per employee on the largest shift.
    - g. Health spas - one (1) space per patron based on the occupancy load, plus one (1) space per employee on the largest shift.
    - h. Skating rinks - one (1) space per three (3) persons as permitted by the occupancy load, plus one (1) space per employee on the largest shift, plus additional spaces as may be required for affiliated uses.
    - i. Firing ranges - three (3) spaces per shooting station.
    - j. Bowling establishments - seven (7) spaces per lane, plus additional spaces as may be required for affiliated uses.
    - k. Affiliated uses - one (1) space per two hundred (200) square feet of gross floor area, plus one (1) space per employee on the largest working shift for the area encompassing any and all eating facilities such as restaurants, bars, snack areas, or an area for the display and sale of sports equipment, clothing, or similar items.
  - 2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*

3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89, 06.19.23)*
  4. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, or equivalent as approved by the Planning Commission.
  5. Off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the REC-1 District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width, except where ingress or egress drives are located. *(amended 09.14.89, 06.19.23)*
  3. The off-street parking areas and driveway accesses shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission.
  4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  5. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.98.00, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
  2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
  3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or planned minimum right-of-way of at least eighty-six (86) feet.
- H. Utilities. All utilities servicing the business structure shall be buried underground.
- I. Covered Trash Receptacles. *(amended 06.19.23)*
- All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at

their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

**J. Loading and Unloading.**

1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.
3. All loading and unloading areas shall be in conformance with the standards set forth in Section 27.04 of this Ordinance.

**K. Performance Guarantee Requirement.** The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*

**L. General.**

1. All principal and accessory uses shall be contained within a building.
2. Hours of operation shall be restricted to opening no earlier than 8:00 a.m. and closing no later than 12:00 p.m. midnight, unless the Planning Commission approves extended hours.

**M. Safety Paths.** Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)*

**N. Tree Preservation Regulations.** The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)*

**O. Wetland Setbacks.** The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 23.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)**

**Please see the Matrix Chart in Section 23.01 for variations to these requirements by use.**

	<b>REC-1</b>
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard Setback	20 feet on each side
Minimum Lot Area	20,000 sq. ft.
Maximum Lot Coverage	30% <i>(amended 12.20.84)</i>
Maximum Accessory Building	750 sq. ft.
Maximum Height of All Structures	25 feet
Minimum Clear Space Around Structures	15 feet

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**Section 24.00 – Preamble** *(amended 04.04.05)*

The Recreation 2 (REC-2) District is intended to provide areas for the development of recreational uses that are located primarily out-of-doors. The provisions set forth herein are intended to encourage outdoor recreational uses that cannot easily be provided in the already urbanized portions of the community. Furthermore, the provisions are intended to take full advantage of the land in its natural state by encouraging the protection and preservation of open spaces. It is further intended that these districts have direct access onto an existing or proposed collector or major thoroughfare. When, and if, land so classified and zoned shall pass out of the possession of a public owner and into the possession of a private owner, the Township Planning Commission and/or Township Board may initiate a rezoning of the parcel(s) in accordance with the procedures listed in Section 30.04 of this Ordinance.

**Section 24.01 – Use Matrix** *(added 07.16.18)*

Uses Permitted by Right shall be permitted subject to the standards and requirements set forth herein. Special Uses shall be permitted subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided for in Section 30.02. Accessory Uses shall be permitted subject to the standards and requirements set forth herein and in Section 27.02. The Planning Commission may allow uses of a similar nature to those listed below, in accordance with Section 27.02E, provided that such uses will not create adverse impacts to surrounding uses.

<b>LAND USE</b> <i>(added 07.16.18, amended 05.04.20)</i>	<b>Zoning District</b>	<b>Footnotes</b>
<b>P = Permitted by Right    S = Special Use</b>	<b>REC-2</b>	
<b>Recreation Uses</b>		
Archery ranges, batting cages	P	
Tennis court	P	
Country clubs, golf courses, including “par three” golf driving ranges, miniature golf	P	
Beaches and/or swimming pools	P	
Historical sites and monuments	P	
Public stables with a minimum size of forty (40) acres	P	
Public parks to include township, county, regional, and state facilities	P	
Private parks, picnic parks, campgrounds	S	
Day camps	S	
Hunting and fishing preserves	S	
Firing ranges	S	
Skating rinks	S	
Ski hills	S	
Boat livery, marina, boat launching sites	S	
<b>Educational Uses</b>		
Zoological gardens	P	
Botanical gardens	P	
Wildlife sanctuaries	P	
Arboretums	P	
Nature centers	P	
Farms	P	
Riding academies with a minimum size of forty (40) acres	P	
<b>Other Land Uses</b>		
Planning Unit Developments (PUD), subject to the standards and approval requirements set forth in Section 30.03.	P	

<b>Accessory Land Uses</b>		
Accessory buildings and structures customarily incidental to any of the principal uses when located on the same property	P	A
Display and sale of sports equipment or products that are related to the principal use.	S	
Eating facilities serving food and beverages for consumption within the buildings, but not having the character of a carry-out, drive-in or drive-through restaurant.	S	
Seasonally used, air-support buildings as a non-permanent cover for a Principal Use Permitted	S	B
Outside storage per Section 27.19	P	
<b>Uses Not Permitted</b>		
Any use which is primarily located in an enclosed building on a relatively small tract of land, such as racquetball, squash, or handball courts.		
Any use that would be incompatible with adjacent land uses or the Township Master Plan because the use generates excessive traffic or noise, alters or destroys the natural terrain, creates noxious fumes or other air pollutants, or disturbs the peace, such as: motorcycle and/or auto racing clubs, amusement parks, sports arenas or any sports facility larger than thirty thousand (30,000) sq. ft., race tracks (animal or motorized)		
Arcades		
Bowling alleys		

**Section 24.02 – Footnotes to Use Matrix** *(added 07.16.18)*

- A. The total gross area of all accessory buildings shall not exceed one thousand five hundred (1,500) square feet of area, unless approved by the Planning Commission. The Planning Commission shall determine the maximum permitted size of each accessory use, based on the following criteria:
  - 1. The size of accessory uses shall be directly related to the number of people or land use the permitted principal or special land use is intended to serve.
  - 2. Accessory uses shall be designed to minimize destruction or disturbance to the natural environment and to surrounding properties.
  
- B. Subject to the following conditions:
  - 1. The area of the lot covered by the air-support building shall be included in the computation of the maximum percentage of lot coverage permitted (ten percent (10%)) but need not be limited to a maximum size of thirty thousand (30,000) square feet.
  - 2. The height of the building may exceed the maximum height permitted in the district, provided that it does not exceed sixty (60) feet and provided that the Planning Commission finds that one or more of the following conditions apply:
    - a. The character of existing or future uses in the area is such that the height permitted would not be injurious to the district and environs;
    - b. There are natural or other features that mitigate against the impact of the increased height;
    - c. Details as to exterior and interior lighting, fencing and other site improvements shall be reviewed and approved by the Planning Commission in order to protect the public health, safety and general welfare. Applicant shall submit details relating to these items.
  - 3. The minimum setbacks required shall be governed by the length and height of the building based upon the formula:

$$S = (L + H) \div D$$

Where: S = The setback required.

L = The total length of a line which, when viewed directly from above, is parallel to the lot line and intersects any part of the building.

H = The highest point on the building measured from the average grade around the building.

D = Divisor

- a. Along those property lines which abut a single-family dwelling unit district or abut single-family detached units or lots of an approved PUD plan, and which are not separated from such units, lots, or district by a major or secondary thoroughfare; or where the abutting single-family dwelling unit district is not already developed for a permitted use other than single-family residential, the setback shall be determined by the formula:  $S = (L + H) \div 1.5$ .
  - b. In all other instances, or where the Planning Commission determines that the adjoining property is indicated on the Master Plan of Future Land Use as an area of other than single-family residential use, the setback shall be determined by the formula:  $S = (L + 2H) \div \text{by } 3$ .
4. The Planning Commission shall determine the time periods during which the seasonal structure is to be permitted and also the number of times or years that the structure may be reinstated.

**Section 24.03 – Required Conditions** *(amended 08.15.85, 01.30.86, 07.16.18)*

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance with certain conditions, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals. *(amended 01.30.86)*

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. The minimum lot area shall be two (2) acres.
- C. Off-Street Parking. All principal and accessory uses in the REC-2 District shall have off-street parking in accordance with the following standards:
  - 1. All number of required spaces shall be determined in accordance with the following schedule:
    - a. Private or public golf club - six (6) spaces per hole, plus one (1) per employee.
    - b. Par 3 golf course - three (3) spaces per hole, plus one (1) per employee.
    - c. Driving range - one (1) space per tee, plus one (1) per employee.
    - d. Private swimming pool - one (1) space per four (4) member families or individual member, plus one (1) per employee.
    - e. Community swimming pool - One (1) space per four (4) persons permitted in accordance with the occupancy load, plus one (1) per employee.
    - f. Affiliated uses, such as restaurants, bars or assembly space - one (1) space per one hundred fifty (150) square feet of structure area.
    - g. Uses not specifically mentioned - one (1) parking space for each employee and each member or prospective patron.

2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89, 06.19.23)*
4. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, or equivalent as approved by the Planning Commission.
5. All off-street parking areas shall conform to the standards set forth in Section 27.04 of this Ordinance.

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
2. The off-street parking areas and driveway shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission.
3. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
4. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86)*
5. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the REC-2 District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width, except where ingress or egress drives are located. *(amended 09.14.89, 06.19.23)*

E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*

F. Lighting Regulations. *(amended 04.27.00)*

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

G. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public road having an existing or planned minimum right-of-way of at least eighty-six (86) feet.

H. Utilities. All utilities servicing the business structure shall be buried underground.



**I. Covered Trash Receptacles.** *(amended 06.19.23)*

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

**J. Loading and Unloading.**

1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.
3. All loading and unloading areas shall be in conformance with the standards set forth in Section 27.04 of this Ordinance.

**K. Performance Guarantee Requirement.** The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)***L. Safety Paths.** Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.03.03)***M. Tree Preservation Regulations.** The tree permit requirements apply to developments in this District, according to the terms of Section 27.12. *(amended 08.03.00)***N. Wetland Setbacks.** The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17. *(added 09.17.07)*

**Section 24.04 – Area and Bulk Requirements (Applies to Principal and Accessory Uses)** *(amended 08.15.85, 07.16.18)*

Please see the Matrix Chart in Section 24.01 for variations to these requirements by use.

	REC-2
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard Setback	20 feet on each side
Minimum Lot Area	2 acres
Maximum Lot Area	175 acres, except for government parks
Maximum Lot Coverage	10% <i>(amended 12.20.84)</i>
Maximum Accessory Building	1,500 sq. ft.
Maximum Height of All Structures	25 feet
Minimum Clear Space Around Structures	15 feet

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<p align="center"><b>See Zoning District Matrix Chart for Variations to these Requirements</b>                      (The regulations &amp; conditions in each individual Zoning Districts supersedes these regulations if a conflict exists.)</p>						
<b>Zoning Districts:</b>	<b>SF</b>	<b>SE</b>	<b>SR</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
<b>Article No.</b>	V	V	V	VI	VI	VI
<b>Minimum Lot Area</b>	2.5 acres; 108,900 sq. ft.	1.5 acres; 65,340 sq. ft.	30,000 sq. ft.	14,000 sq. ft.	10,800 sq. ft. *	8,400 sq. ft. *
<b>Maximum Height of Structures</b>	2 stories; 30 ft.			2 stories, 30 ft.		
<b>Minimum Yard Setbacks (ft.)</b>						
Front	40	40	40	40	35	30
Each Side Yard	20	20	20	10	10	10
Rear	40	40	40	35	35	35
<b>Minimum Floor Area Per Unit (Sq. Ft.)</b>	1,200	1,200	1,500	1,320	1,080	960
<b>Maximum Lot Coverage of All Structures (%)</b>	20%			25%		
<b>Minimum Clear Space Around Structures (ft.)</b>	N/A					
<b>Minimum Lot Width</b>	165 ft.	165 ft.	120 ft.	100 ft.	80 ft.	70 ft.
<p><i>* In those instances where public sewers are not provided, a minimum lot area of 12,500 sq. ft. shall be provided</i></p>						

<p align="center"><b>See Zoning District Matrix Chart for Variations to these Requirements</b></p> <p align="center"><i>(The regulations &amp; conditions in each individual Zoning Districts supersedes these regulations if a conflict exists.)</i></p>				
<b>Zoning Districts:</b>	<b>MHP (Park)</b>	<b>MHP (Individual)</b>	<b>RM-1</b>	<b>RM-2</b>
<b>Article No.</b>	VIII	VIII	VII	VII
<b>Minimum Lot Area</b>	15 acres	5,500 sq. ft. per mobile home	5 acres	5 acres
<b>Maximum Height of Structures</b>	2 stories		2.5 stories; 35 ft.	
<b>Minimum Yard Setbacks (ft.)</b>			See Section 7.06.E	
Front	50	15		
Each Side Yard	50	20		
Rear	50	25		
<b>Minimum Floor Area Per Unit (Sq. Ft.)</b>	–	–	See Section 7.06.D	
<b>Maximum Lot Coverage of All Structures (%)</b>	–	–	25%	
<b>Minimum Clear Space Around Structures (ft.)</b>	N/A			

<p align="center"><b>See Zoning District Matrix Chart for Variations to these Requirements</b>                      (The regulations &amp; conditions in each individual Zoning Districts supersedes these regulations if a conflict exists.)</p>							
<b>Zoning Districts:</b>	<b>GB</b>	<b>REC-1</b>	<b>REC-2</b>	<b>LI</b>	<b>IP</b>	<b>IC</b>	<b>RFY</b>
<b>Article No.</b>	XIV	XXIII	XXIV	XVI	XVIII	XIX	XX
<b>Minimum Lot Area</b>	12,000 sq. ft.	20,000 sq. ft.	2 acres, Max 175 acres	2 acres, Max 30 acres	20 acres (Total Park) 2 Acres (Ind. Lot)	400 acres, Max 500 acres	40 acres
<b>Maximum Height of Structures</b> (amended June 2023)	25 ft.			40 ft.	40 ft.	120 ft.	30 ft.
<b>Minimum Yard Setbacks (ft.)</b>							
Front	30			50	50	100	150
Each Side Yard	20			25	20	100	150
Rear	30			25	50	100	150
<b>Maximum Lot Coverage of All Structures (%)</b>	30%		10%	30%	35%	–	–
<b>Minimum Clear Space Around Structures (ft.)</b>	20 ft.	15 ft.		25 ft.	15 ft.	100 ft.	30 ft.

<p align="center"><b>See Zoning District Matrix Chart for Variations to these Requirements</b>                      (The regulations &amp; conditions in each individual Zoning Districts supersedes these regulations if a conflict exists.)</p>					
<b>Zoning Districts:</b>	<b>SP-1</b> <i>(Whole Dev.)</i>	<b>SP-1</b> <i>(Each Structure)</i>	<b>SP-2</b>	<b>OP</b>	<b>RB</b>
<b>Article No.</b>	XXI	XXI	XXII	IX	XI
<b>Minimum Lot Area</b>	10 acres	5,000 sq. ft.	10 acres	20,000 sq. ft.	9,000 sq. ft.
<b>Maximum Height of Structures</b>	25 ft.			25 ft.	
<b>Minimum Yard Setbacks (ft.)</b>					
Front	30	30	150	30	20
Each Side Yard	40	20	150	20	15
Rear	40	40	150	30	20
<b>Maximum Lot Coverage of All Structures (%)</b>	30%	–	–	30%	
<b>Minimum Clear Space Around Structures (ft.)</b>	30 ft.		150 ft.	15 ft.	

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Any building or structure, or part thereof shall not be erected, constructed, altered, moved to, used and/or maintained in Orion Township except in conformity with the provisions of this Ordinance. Likewise, a new use or change of use shall not be started, established, and/or maintained wholly or in part in any building or structure or on any land or part thereof except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and provided construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued. Furthermore, upon completion, the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter, to the provisions of Section 27.01 regarding nonconformities. Any subsequent text or map amendment shall not affect previously issued valid permits.

**B. Minimum Requirements.**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

**C. Nonabrogation of Other Ordinances or Agreements.**

This Ordinance is not intended to abrogate or annul any ordinances, rules, regulations, permits, or any easements, covenants or other private agreements previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants or private agreements, the requirements of this Ordinance shall govern.

**D. Vested Right.**

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

**E. Severance Clause.**

This Ordinance shall be deemed to be severable, and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such judgment shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or other structure be declared invalid by the courts, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

**F. Continued Conformity with Yard and Bulk Regulations.**

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

**27.00 Administrative Regulations**

## G. Division of Zoning Lots.

No zoning lot shall hereafter be divided into two (2) or more zoning lots and no portion of any zoning lot shall be sold, unless all zoning lots resulting from each such division or sale shall conform with all the applicable bulk regulations of the zoning district in which the property is located.

## H. Unlawful Buildings, Structures, Site Designs, and Uses.

A building, structure, or use which was not lawfully existing at the time of adoption of this Ordinance shall not become or be made lawful solely by reason of the adoption of this Ordinance. To the extent that an unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.

## I. Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**Section 27.01 – Nonconformities** *(amended 01.24.85, 08.16.90)*

## A. Intent.

Under the provisions of this Ordinance, separate districts have been established in locations that are appropriate for the uses permitted within each district. With the establishment of these districts, it is necessary and appropriate to regulate all nonconformities, which by their nature, may adversely affect the orderly development and assessed value of other property in the district. The purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension or substitution of nonconformities, and to specify those circumstances and conditions under which nonconformities shall be permitted to continue.

## B. Definitions.

1. Nonconforming Use. A nonconforming use is a use which lawfully occupied a building or land on the effective date of this Ordinance, or amendment hereto, and which does not conform to the use regulations of the zoning district in which it is located.
  - a. Nonconforming uses, for the purpose of this Ordinance, include:
    - i. Nonconforming uses of open land;
    - ii. Nonconforming uses of buildings designed for a conforming use;
    - iii. Nonconforming uses in buildings specifically designed for the type of use which occupies them and not suitable for a conforming use;
    - iv. Uses which are permitted by right or as special land uses in the district in which they are located, but which do not meet special locational standards;
    - v. All other nonconforming uses arising from the failure to meet any of the requirements imposed by this Ordinance.
2. Nonconforming Structures. A nonconforming structure is a structure or portion thereof, including a building or buildings, which lawfully existed at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the ordinance in the zoning district in which it is located.
  - a. Nonconforming structures, for the purposes of this Ordinance, include:

**27.01 Nonconformities**

- i. Nonconforming structures, other than buildings, such as signs, billboards, fences and other structures;
  - ii. Buildings not in conformance with dimensional requirements such as lot area, yards, lot coverage, and height;
  - iii. Buildings not in conformance with parking, loading, and/or landscaping requirements;
  - iv. All other nonconformities arising from failure to meet any of the requirements imposed by this Ordinance.
3. Nonconforming Site or Lot. A nonconforming site or lot is a site or lot or portion thereof existing on the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.
4. Administrative Nonconformity. An administrative nonconformity is any building, structure or use which was in existence at the time of adoption of this Ordinance and which is required by this Ordinance to have special administrative approval such as special land use approval, cluster housing development approval, or Zoning Board of Appeals approval.

**C. Nonconforming Lots.**

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or an amendment thereto:

1. Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that:
- a. The lot is at least fifty (50) feet in width.
  - b. Side yard setbacks as set forth in the following chart are complied with:

<b>Lot Width</b>	<b>Each Side Yard Setback</b>
50 to 54 feet	6 feet
55 to 59 feet	7 feet
60 to 65 feet	8 feet
66 to 69 feet	9 feet
70 feet	10 feet

- c. The lot is in conformance with all other applicable yard and lot requirements.
2. Variance to Yard Requirements. If the use of a nonconforming lot requires a variation of the front or rear setback or front or rear yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance.
3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance,

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and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance, and no portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Upon application to the Township Board, the Board may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this Ordinance. Said application shall be filed with the Township Clerk on forms provided by the Township. The application shall be accompanied by a plot plan drawn according to the requirements set forth in Section 30.04 (B)(2) for single-family residential parcels. Approval of any such application shall be subject to the following provisions:

- a. Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements set forth in this Ordinance.
- b. Any lot created under these provisions shall be at least fifty (50) feet in width.
- c. In the event that a lot created under these provisions is less than twelve thousand five hundred (12,500) square feet in area, then any structure constructed on the lot shall have direct hookup to the public sanitary sewer system.

**D. Nonconforming Uses of Land.**

A nonconforming use of open land may be continued after the passage of this Ordinance, or amendment thereof, so long as it remains lawful, provided that:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of this Ordinance or amendment hereto.
2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of this Ordinance or amendment hereto.
3. If any such nonconforming use of land ceases, is discontinued, or abandoned for any reason for a period of thirty (30) days or more, the use shall not thereafter be permitted except in conformance with the provisions of this Ordinance for the district in which the land is located.
4. Upon the approval of the Planning Commission, such a nonconforming use of land may be substituted for a similar nonconforming use of land, as long as:
  - a. no structural alterations or additions are required to accommodate the new nonconforming use; and
  - b. the proposed use is equally or more appropriate in the district in which it is located than the original nonconforming use.
5. Any such nonconforming uses which are seasonal uses only shall be exempted from these provisions.

**E. Nonconforming Uses of Structures or of Structures and Land in Combination.**

A nonconforming use of a structure or a structure and land in combination, may be continued after the effective date of adoption of this Ordinance, or amendment hereto, so long as it remains lawful, provided that:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except:
  - a. in changing the use of the structure to a use permitted in the district in which it is located.

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- b. in accordance with the provisions of this Ordinance.
2. Any nonconforming use may be extended throughout any part of a structure which was manifestly arranged or designed for such use at the adoption of this Ordinance, but no such use shall be extended to occupy any land outside such structure.
3. Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall not thereafter be used to carry on the nonconforming use.
4. When a nonconforming use of a structure, or structure and land in combination, ceases, is discontinued, or abandoned for six (6) consecutive months, or for eighteen (18) months during any three (3) year period, the structure or structure and land shall not thereafter be used except in conformance with the provisions of this Ordinance in the district in which it is located.
5. Where nonconforming use status applies to a structure and land in combination, the removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purposes of this subsection, is defined as damage to an extent of fifty percent (50%) of the replacement cost of the structure as assessed at the time of destruction.
6. Any nonconforming use of a structure, or structure and land in combination, which has decreased in intensity from the date of its original nonconformity, shall not thereafter be increased in intensity.
7. If a structure, or structure and land in combination, in or on which a nonconforming use is permitted to be carried on, is permitted to be repaired, improved, modernized, altered, enlarged, or extended under the terms of this Ordinance, no such nonconforming use may be extended, enlarged, altered, or intensified to the extent that it occupies a greater area in the structure, or in the structure and land in combination, than before the alteration to the structure.
8. Such a nonconforming use which is permitted to be carried on in a structure, or in a structure and land in combination, may be substituted for a similar nonconformity, with the approval of the Planning Commission, provided that:
  - a. no structural alterations are required to accommodate the new nonconforming use; and
  - b. the proposed use is equally or more appropriate in the district than the existing nonconforming use.

**F. Nonconforming Structures.**

A nonconforming structure may be continued after the effective date of adoption of this Ordinance, or amendments hereto, so long as it remains lawful, provided that:

1. no such nonconforming structure may be enlarged or altered in such a way that its nonconformity increases, but any nonconforming structure or portion thereof may be altered to decrease its nonconformity;
2. should such nonconforming structure, or nonconforming portion of a structure, be destroyed by any means to an extent of fifty percent (50%) or more of its replacement cost at the time of the destruction, it shall not thereafter be reconstructed, except in conformance with the terms of this Ordinance in the district in which it is located;
3. should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of this Ordinance in the district in which it is located after it is moved.

**G. Repairs and Improvements to a Nonconforming Structure or Structure Containing a Nonconforming Use.**

1. Ordinary repairs or maintenance on any nonconforming structure or portion thereof, or structure containing a nonconforming use, may be conducted to keep the structure in good condition. Improvements or



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modernization of a nonconforming structure, or portion thereof, or of a structure where a nonconforming use may be carried on, shall be permitted, provided that:

- a. the cost of such improvements or modernizations do not exceed fifty percent (50%) of the value of the property as assessed at the time the structure or use thereof was originally deemed nonconforming by the terms of this Ordinance or amendments hereto; and
  - b. all other applicable provisions of this Ordinance are complied with.
2. For the purpose of this subsection, ordinary repairs and maintenance shall include that necessary to keep the structure and its components, including wiring and plumbing, in good working order and condition. Improvements and modernization means the full replacement of any of the structure's components, including full replacement of wiring and/or plumbing.
  3. If a nonconforming structure, or portion thereof, or a structure in which a nonconforming use is carried on, becomes physically unsafe or unlawful for any reason, and is declared to be physically unsafe or unlawful by the Building Official, acting pursuant to the laws of this State and/or Township, by reason of its physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformance with the terms of this Ordinance in the district in which it is located.
  4. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official, acting pursuant to the laws of this State and/or of the Township.
- H. Repairs, Maintenance, Improvements, or Modernization of a Structure Not Associated with a Nonconforming Use.

Nothing in this Ordinance shall be deemed to limit the repair, maintenance, improvement, or modernization of that portion of a conforming structure that is not associated with a nonconforming use.

I. Alteration of a Nonconforming Single-Family Residential Structure in a Non-Residential Zoning District.

The owner of a nonconforming single-family residential structure located in a zoning district in which single-family residential structures are not permitted by right, may extend, enlarge, reconstruct, structurally alter, repair, improve, or modernize said residence upon approval of the Planning Commission, provided that the value of any such extension, enlargement, reconstruction, alteration, repair, improvement, or modernization, does not exceed fifty percent (50%) of the assessed replacement value of the residential structure. Prior to issuance of a building permit, the owner shall submit to the Planning Commission a plot plan, drawn in accordance with the requirements set forth in Section 30.04 (B)(2), plus a "Request to Alter a Residential Structure in a Non-Residential District". The Township Planner shall review the request and recommend action to the Planning Commission. Such alteration shall be allowed only if the residential structure is properly maintained and is in conformance with all other provisions of this Ordinance, and provided that the alteration will not cause harm to the health, safety, or welfare of the occupants or other residents of the Township.

J. Nonconformities Under Construction.

1. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently performed; or
2. On which construction materials have been fixed in permanent position and fastened in a permanent manner; or
3. Where excavation, demolition, or removal of an existing building has been substantially begun preparatory to rebuilding, where such excavation, demolition, or removal has been diligently carried on and where actual

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construction on the rebuilding project is begun and diligently carried on within a reasonable time after the excavation, demolition, or removal of the theretofore existing building.

**K. Administrative Nonconformities.**

A structure or use which is administratively nonconforming shall remain nonconforming until special approval has been granted pursuant to application submitted to the proper authority. Where special approval has been granted, such a structure or use shall be deemed conforming. However, where special approval has been denied, such structure or use shall be considered nonconforming on the basis for which the application for special approval was denied.

**L. Change in Tenancy or Ownership.**

In the event there is a change in tenancy, ownership or management of an existing nonconforming use or structure, such nonconforming use or structure shall be allowed to continue pursuant to the terms of this Ordinance regarding such nonconformities.

**M. Special Exceptions.**

Any use for which a special exception is permitted, as provided in this Ordinance, shall not be deemed a nonconformity.

**Section 27.02 – Buildings, Structures, and Uses****A. Accessory Buildings, Structures and Uses. (amended 02.17.04)**

1. An accessory building, structure or use shall not be located on a parcel unless there is a principal building, structure, or use already located on the same parcel of land.
2. An accessory building or structure shall not be constructed prior to the commencement of construction of the principal building or structure or the establishment of the principal use.
3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the purposes of location and setbacks, be considered part of the principal building.
4. A building, structure or use which is accessory to a single-family dwelling and detached from it (not including a fence; see Article 27.05H) shall meet the same front and side yard setback requirements as the principal structure, as set forth in the applicable zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings (except corner and multi frontage lots). A detached accessory structure on a multi frontage lot where the rear lot line does not abut a major thoroughfare or collector road must meet the same minimum front and side yard setbacks as the principal structure and the minimum rear yard setback shall be ten (10) feet. A multi frontage lot with a rear property line that abuts a major thoroughfare or a collector road must meet the same front, side, and rear yard setback requirements as the principal structure. In the case of a corner lot, any detached accessory structure must meet the same rear and side setbacks as the principal structure and must meet the same front setback as the principal structure from any lot line that abuts a major thoroughfare or collector road. In all cases, no detached accessory structures may extend past the leading edge of the principal structure in the front yard.. All accessory buildings and structures shall be included in the computation of total maximum area of all accessory buildings, and together with the principal building or structure shall not exceed the percentage of lot coverage requirements. (amended 07.16.18, 06.19.23)
5. Detached accessory buildings or structures in non-residential districts shall conform to the height requirements for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in non-residential districts that exceed the height of the principal building or structure, as constructed, shall not be located in the front yard. The detached accessory structures shall meet the same setbacks as the principal structure (amended 07.16.18, 06.19.23)

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Detached accessory buildings or structures in residential districts shall not exceed the height of the principal building or structure as constructed. However, the height of a detached accessory building or structure may exceed the height of the principal building or structure, if said accessory building or structure is located at least one hundred fifty (150) feet distant and to the rear of the principal building or structure. In no case shall the height of a detached accessory building or structure exceed the maximum height requirement for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. *(amended 07.16.18)*

- 6. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could, or are likely to, produce noise, odor, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

It is the intent of these provisions to place the responsibility of abating or controlling nuisances on the owner of the lot where the nuisances are produced, rather than on the adjoining neighbors.

- 7. Accessory buildings or structures are not to be used for commercial operations other than home occupations, as defined in Article II, Section 2.01.
- 8. The total of all accessory buildings or structures in a single-family residentially zoned district or on a parcel used for a single-family dwelling, except as modified in Paragraph 9, shall not exceed the following *(amended 11.28.85, 06.19.23)*:

<b>LOT SIZE</b>	<b>MAXIMUM FLOOR AREA OF DETACHED ACCESSORY BUILDINGS</b>	<b>MAXIMUM FLOOR AREA OF ATTACHED ACCESSORY BUILDINGS</b>	<b>TOTAL MAXIMUM FLOOR AREA OF ALL ACCESSORY BUILDINGS *</b>
Up to 1/2 acre	750 sq. ft.	75% of the principal structure	1,150 sq. ft.
Over a 1/2 acre to 1 acre	900 sq. ft.		1,300 sq. ft.
Over 1 acre to 2.5 acres	1,000 sq. ft.		1,500 sq. ft.
Over 2.5 acres	1,400 sq. ft.		1,900 sq. ft.
* Includes the combined floor area of each story of the structure.			

- 9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals *(amended 11.28.85, 06.15.15)*:
  - a. On single-family residential lots, a variance may be sought to permit increased accessory building, structure or use, provided all of the following conditions are met:
    - i. The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.
    - ii. The accessory building or structure, as well as the principal residential building or structure, can be accommodated on the parcel and together cover no more than twenty percent (20%) of the lot area in the Suburban Farms (SF), Suburban Estates (SE), or Suburban Ranch (SR) Zoning Districts or twenty-five percent (25%) of the lot area in the Residential 1, 2, or 3 (R-1, R-2, R-3) Zoning Districts.

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- iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. *(amended 07.16.18)*
  - iv. The accessory building or structure is used for the indoor storage of items that are permitted to be stored in a rear or side yard, but that could be unsightly if such were done.
- b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
10. The location of all accessory buildings, structures and uses, except in single-family residentially zoned districts, shall be shown on the site plan submitted to the Planning Commission for approval, subject to the provisions of Section 30.01 of this Ordinance. *(added 02.01.16)*
11. An accessory building, structure or use shall not be located within any dedicated road or easement right-of-way.

**B. Home Occupations. *(amended 08.01.11)***

Home occupations shall be subject to the requirements of the zoning district in which they are located, as well as the following standards:

1. The home occupation must be clearly incidental to the use of the dwelling as a residence.
2. No outdoor display or storage of outdoor materials, outdoor goods, outdoor supplies, or outdoor equipment used in the home occupation shall be permitted on the premises. *(amended 08.01.11)*
3. The appearance of the structure shall not be altered nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
4. The home occupation shall not occupy more than thirty percent (30%) of the total floor area of the dwelling. *(amended 08.01.11)*
5. The home occupation may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time for any clients, employees, contractors, or other individuals associated with the home occupation who are not residents. The delivery of goods, presence of employees (other than resident employees), or the visit of customers shall not occur before 6 am or after 8pm. *(revised 08.01.11)*
6. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.
7. No home occupation shall cause an increase in the use of any one (1) or more utilities (water, sewer, electricity, telephone, trash removal, etc.) so that the combined total use for the dwelling unit and home occupation exceeds the average for residences in the neighborhoods.
8. One (1) non-illuminated nameplate, not more than one (1) square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall contain only the name and occupation of the residents of the premises.
9. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than normally occurs in a similarly zoned residential district.

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10. At any given time, not more than one (1) employee, who does not live at the residence, shall be allowed to work at the residence conditioned upon the resident supplying the Township with the name and address of that employee. *(added 08.01.11)*
11. No home occupation shall produce a product at the residence whose production is regulated by state, county or federal law. *(added 08.01.11)*
12. No home occupation shall manufacture a product at the residence whose manufacturing is regulated by state, county or federal law. *(added 08.01.11)*
13. No home occupation shall store any product or materials at a residence whose storage is regulated by state, county or federal law. *(added 08.01.11)*
14. No home occupation shall distribute a product directly from the residence whose distribution is regulated by state, county or federal law. *(added 08.01.11)*

**C. Temporary Structures.**

1. A temporary building or structure of a temporary nature, including a motor home, trailer, travel trailer, car, truck, van, boat, tent, shack, garage, barn or other out buildings, shall not be used as a dwelling unit on any parcel of land in Orion Township without the approval of the Zoning Board of Appeals, or demonstrated compliance with Section 27.04 (C)(2)(a). *(amended 08.05.99, 10.07.02)*

An incompletely constructed structure shall not be used as a dwelling unless such structure has been completed as a dwelling and a Certificate of Occupancy issued for such structure.

2. A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired.
3. The initial approval by the Zoning Board of Appeals to allow a temporary residential use may not exceed three (3) months. The ZBA may grant an additional extension up to three (3) months if the applicant requests it when the initial approval is due to expire.
4. Temporary buildings for non-residential use, including semi-trucks/trailers, may be permitted by the Ordinance Enforcement Officer only when such building or structure is used by a duly licensed contractor in conjunction with a construction project. The temporary structure shall be removed as soon as said construction project is completed.
5. A temporary building or structure shall not be used as an accessory building or structure.
6. The use of temporary structures for the sale of dwellings in a residential district may be permitted by the Zoning Board of Appeals, as per Section 30.11, Paragraph F, Temporary Use Permit, and shall be subject to the requirements of Section 27.10, Temporary Sales Offices in Residential Districts. *(amended 08.07.97)*

**D. Buildings Being Moved.**

1. A building or structure shall not be moved on to any parcel in Orion Township unless and until it meets the requirements of this section and other applicable provisions of the Zoning Ordinance and the Orion Township Building Code.
2. Single-family residential buildings shall comply with the following:
  - a. An applicant desiring to move a single-family residential building or structure onto a building site shall file a request with the Building Department and submit two (2) sets of drawings showing the plot plan, the building floor plan, all four (4) elevations of the exterior as it will appear when the relocation is completed, the proposed travel route, and the means of securing the building or structure to the foundation.

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- b. The Building Official shall inspect the residential building to be moved at its existing location before it is moved.
  - c. Approval of the application shall be upon a finding by the Building Official that the structure will conform to the Building Code, Zoning Ordinance, and other applicable regulations and ordinances and will not be injurious to neighboring buildings or property owners. The structure being moved must be compatible with the design features and aesthetic qualities of the dwellings in the surrounding neighborhood.
3. An applicant desiring to move any building or structure other than a single-family residential building or structure on to a site in Orion Township shall file a site plan for approval by the Planning Commission in accordance with the provisions of Section 30.01 of this Ordinance.
  4. Before a moving permit is issued and before the structure is moved, the applicant shall pay a moving inspection fee as established by the Township Board. The fee shall be paid to the Township Treasurer in cash or by certified check.
  5. It shall be the responsibility of the applicant to apply for all applicable permits and call for all necessary inspections in accordance with the provisions of the Orion Township Building Code.
  6. The Building Official shall issue a Certificate of Occupancy only after inspecting the moved structure in its new permanent location and finding that the structure meets the Building Code, Zoning Ordinance, and other applicable ordinances of the Township.

The moved structure may not be used or occupied until a Certificate of Occupancy has been issued.

**E. Uses Not Otherwise Included Within a District.**

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or permitted accessory uses may be permitted upon a positive recommendation of the Planning Commission that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district.

1. Determination of Compatibility. In the evaluation of a proposed use, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.
2. Type of Use. If the Planning Commission finds that the proposed use is similar in nature and/or compatible with permitted or existing uses, the Commission shall determine whether the proposed use shall be permitted by right, a special land use, or permitted as an accessory use. Uses that possess unique characteristics or unusual features, that serve an area larger than the Township, or require large tracts of land shall be designated as special land uses, subject to the provisions set forth in Section 30.02. Uses of this type include:
  - a. Drive-in movie theatres
  - b. Commercial communications towers
  - c. Fairgrounds
  - d. Animal kennels
  - e. Airports and related uses
  - f. Utility facilities and substations

Uses permitted by right or as accessory uses shall be subject to the review and approval requirements of the district in which they are located.

3. Standards and Conditions. The Planning Commission shall have the authority to establish general standards and conditions under which a use may be included in a district under the terms of this section. No use shall

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be permitted in a district under the terms of this section if said use is specifically listed as a use permitted by right or as a special land use in any other district.

4. Record of Action. A record shall be kept of all uses, conditions, and standards which are approved under the terms of this section. Once a specific use has been permitted, said type of use may be established within the district, subject to any pertinent conditions and standards without further recourse to the procedures of this section.

**F. Building Site Grades.**

1. Any building or structure requiring or having any yard space shall be located at such an elevation with a sloping grade that shall be established and maintained away from the structure so as to cause surface water to run away from the walls of the building to a natural or established drainage course. Alteration to the drainage course shall not create a drainage problem for the adjacent property owners.
2. Where there is a sloping earth grade beginning at the curb, sidewalk, or roadway, the drainage shall be established and maintained to the finish grade line at the building front. A sloping grade away from the rear and side wall of the building shall be established and maintained to a line not less than twenty (20) feet from such walls.
3. The height of the finish grade line of any building shall be generally maintained not less than eight (8) inches above the average curb or crown of the road, or at such level as may be approved in writing by the Ordinance Enforcement Officer.

**G. Signs. (amended 07.16.18)**

1. All signs shall conform to the location, size, height, number, and other standards set forth in the Orion Township Sign Ordinance, Ordinance No. 153. (amended 02.21.06)
2. Signs shall conform to all other applicable Township Ordinances, including the Township Building Code.
3. For the purposes of public safety, the street number of every building or structure which has an assigned street address shall be prominently displayed on a side of the building facing the street. Street address numbers shall be at least four (4) inches in height on residential buildings, and at least four (4) inches in height on all non-residential buildings and structures. (amended 06.19.23)

**H. Basement Residency.**

Basement residency is expressly prohibited in this Township. This provision shall not be construed to prohibit earth-sheltered homes, as defined in Article II of this Ordinance.

**I. Fire Protection Water Supply Standards.**

For the purposes of public safety and fire protection, all buildings and structures shall have water supply for fire fighting that will provide a reasonable degree of protection to life and property in accordance with Standard on Water Supplies for Suburban and Rural Fire Fighting per current adopted fire code. (amended 06.19.23)

**Section 27.03 – Yard and Bulk Requirements****A. Minimum Lot Size.**

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. On lots of record that were platted prior to the effective date of this Ordinance, single-family residential dwellings may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. Where two (2) adjoining lots are under the same ownership, and said two

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(2) lots are individually smaller than the lot size requirements of the said district in which they are located, said two (2) lots shall be considered one (1) lot for the purposes of this section.

**B. Lots Adjoining Alleys.**

One-half (1/2) of the width of an abutting alley or lane shall be considered a part of the lot for the purposes of determining compliance with lot area requirements of this Ordinance.

**C. Projections Into Required Yards.**

The following projections shall be permitted when located in the required yards as specified:

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions; mechanical equipment (i.e. generators, heat pumps, a/c units) five (5) feet or less. *(amended 06.19.23)*
2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.
3. In rear yards.
  - a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard; window wells projecting 3.5 feet into the yard. *(amended 06.19.23)*
  - b. Decks may be permitted to project into a required rear yard when the following conditions are met: *(amended 06.15.87, 02.06.97)*
    - i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
    - ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
    - iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
    - iv. Setbacks for decks shall be measured from the leading edge of the deck surface.
4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard; window wells projecting 3.5 feet into the yard. *(amended 06.19.23)*

**D. Required Yards - Existing Buildings.**

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

**E. Location of Required Open Space.**

All yards and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.



**27.03 Yard and Bulk Regulations**

## F. Variances to Yard Regulations.

The Zoning Board of Appeals may modify yard regulations by granting a variance for individual cases where literal enforcement of the provisions of the Ordinance would not be reasonably possible or would result in unnecessary hardship. Examples where such variances from yard regulations would be appropriate include:

1. A planned development in a multiple-family district;
2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;
3. Lots that are peculiar in shape, topography, or site configuration.

## G. Corner Clearance.

No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the view of drivers in vehicles approaching the intersection. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to exceed a height of thirty (30) inches above the lowest point of the intersecting road. The unobstructed triangular area referred to above may consist of either:

1. The area formed at the corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along abutting public rights-of-way lines, and the third side being a line connecting these two (2) sides, or
2. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of a triangular area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

**Section 27.04 – Parking and Loading Regulations**

## A. Off-Street Parking.

## 1. Scope and Application.

a. Scope of Requirements. The off-street parking provisions of this Ordinance shall apply as follows:

- i. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, off-street parking shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date and diligently pursued to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
- ii. If the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking, additional off-street parking shall be provided for such increase in intensity of use.
- iii. Whenever the existing use of a building or structure is changed to a new use, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which might have been in effect prior to the change of use.

b. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Ordinance.

**27.04 Parking and Loading Regulations**

An area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

- c. Additional Off-Street Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve any existing use or land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.
- d. Submission of Plot Plan. No off-street parking facilities shall be constructed unless a building permit is first obtained from the Building Department. Any application for a building permit shall include a plot plan showing any off-street parking facilities proposed in accordance with the provisions of this Ordinance. Calculations for required parking shall be submitted on the plot plan or site plan and shall indicate the proposed use, building square footage and required number of parking spaces. Whenever a site plan is required in accordance with the provisions of Section 30.01, said site plan shall meet the requirements of this section. *(amended 11.14.85, 08.06.07)*
- e. Banking of Parking Spaces. The Planning Commission may allow a lesser amount of parking than required by this Ordinance. An area to meet the parking space requirements may be banked and retained as open space or landscaped area and reserved for future use as parking if required. The site plan shall note the area where parking is banked including dimensions and parking layout denoted by dotted or dashed lines. *(added 08.06.07)*

Alterations or construction of banked parking may be initiated by the owner as required by the Building Official based upon parking needs. Alterations or construction shall be approved by the Building Official prior to any modification. *(added 08.06.07)*

- f. Electric Vehicle Charging Stations. *(added 09.21.09, amended 01.03.16)*
  - i. Permitted Locations. When accessory to a principal permitted use, electric vehicle charging stations are permitted in all zoning districts. When constructed as a standalone commercial for-profit business, electric vehicle charging stations shall only be permitted in districts that otherwise permit automobile service centers.
  - ii. Parking
    - a. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of minimum required off-street parking spaces.
    - b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
    - c. Electric vehicle charging stations shall be sized the same as a standard parking space as required in the Off-Street Parking Chart herein.
  - iii. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Site lighting shall comply with Section 27.11.
  - iv. Equipment Standards and Protection.
    - a. Electric vehicle charging station outlets and connector devices shall be no less than twenty six (26) inches and no higher than forty eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
    - b. Adequate electric vehicle charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the vehicle charging station is setback a minimum of twenty four (24) inches from the face of the curb.

**27.04 Parking and Loading Regulations**

- v. **Signage and Notification.** Each electric vehicle charging station space shall be posted with signage indicating that the space is only for electric vehicle charging purposes. Additionally, notification shall be placed on the unit to identify voltage and amperage levels, hours of operation, fees, safety information and other pertinent information.
  - vi. **Installation and Maintenance.**
    - a. All necessary electrical permits must be obtained.
    - b. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or for when other problems are encountered.
2. **General Requirements.**

- a. **Location.** Off-street parking for other than residential uses shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, if said spaces and uses are located in the same zoning district or zoned Parking District measured from the nearest point of the building or use and the nearest point of the off-street parking lot.

Unless otherwise specified in the regulations for each district, a minimum setback of twenty (20) feet shall be maintained between any off-street parking area and adjacent property lines. However, enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements for the district in which they are located. *(amended 07.16.18)*

- b. **Residential Parking.** Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
- c. **Control of Off-Site Parking Facilities.** In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same ownership or under the same control as the parcel occupied by the building or use to which the parking facilities are accessory. Such ownership or control shall be indicated on the plot plan or site plan submitted to the Building Department.
- d. **Access.** Except on lots accommodating single-family dwellings, each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient means of vehicular access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Backing directly onto a street shall be prohibited. Ingress and egress to an off-street parking area lying in the area zoned for other than residential use shall not be across land zoned for residential use.
- e. **Collective Use of Off-Street Parking.** Off-street parking space for separate buildings or uses may be provided collectively. If parking facilities for separate buildings or uses are provided collectively, the total number of spaces so provided shall not be less than the number which would be required if the spaces were provided separately. However, the Zoning Board of Appeals may reduce the total number of spaces provided collectively by up to twenty-five percent (25%) if such reduction is specifically approved as part of the required site plan approval process. Such approval shall be granted only on a showing that the parking demands of the two (2) uses do not overlap.
- f. **Loud Speakers Prohibited.** The use of loud speakers shall be prohibited in all parking areas except between the hours of 7:00 a.m. and 7:00 p.m. The restriction on loud speakers shall not apply if used for municipally sponsored or approved civic functions.

**27.04 Parking and Loading Regulations**

- g. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of junked vehicles, or repair of vehicles is prohibited in off-street parking areas. Emergency service required to start vehicles shall be permitted.
- h. Parking Spaces for Physically Handicapped.
- i. Number. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

- ii. Size. Accessible Parking Spaces for cars shall be a minimum of thirteen (13) feet wide (8' wide parking space plus a 5' wide marked access aisle). Van-Accessible Parking Spaces shall be a minimum of sixteen (16) feet wide (8' wide parking space plus an 8' wide marked access aisle). *(amended 07.16.18)*
- iii. Location. Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parking cars to reach entrances, ramps, walkways, or elevators.
- iv. Curbs. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access.
- v. (See, also, State of Michigan Barrier-Free Rules.) The State rules, if they are more restrictive, shall apply in place of the Charter Township of Orion Ordinance provisions.
- vi. Number of Required Off-Street Spaces. Off-street parking spaces shall be provided in the quantities required by the regulations for the districts in which the buildings or uses are located. For the purposes of computing the number of parking spaces required, the definition of "Structure Area" as set forth in Article II shall govern. When determination of the number of off-street parking spaces required by this Ordinance results in a fractional requirement, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one (1) time.

**27.04 Parking and Loading Regulations**

## 3. Layout and Construction.

Off-street parking facilities shall be laid out, constructed, and maintained in accordance with the following specifications:

- a. Dimensions. Plans for the layout of off-street parking facilities shall be in accord with the requirements set forth in the Off-Street Parking Chart contained herein.
- b. Maneuvering Lanes. Maneuvering lanes shall have adequate width to permit safe one-way traffic movement, with the exception of the 90 pattern, which shall provide for safe two-way traffic movement. Each entrance and exit to and from a parking lot shall be at least twenty-five (25) feet from the nearest point of any property zoned for residential use.
- c. Surfacing and Drainage. Unless otherwise specified in the regulations for each district, all off-street parking areas, access lanes, and driveways required under this section shall be surfaced with concrete, asphalt, or an equivalent hard, dustless surface as approved by the Planning Commission. Off-street parking areas, except those serving single or two-family residences and railroad freight yards, shall also be curbed. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to not drain onto adjacent property or toward buildings. The grading, surfacing, and drainage plans shall be in conformance with the specifications of the Township. Surfacing of all parking areas, access lanes, and driveways must be completed within one (1) year of the date the permit is issued.
- d. Lighting. Any lighting used to illuminate off-street parking areas shall be directed on the parking area only and away from nearby residential properties and public streets. In no case shall lighting exceed three (3) foot-candles measured at the lot line. *(amended 11.14.85)*
- e. Screening and Landscaping. Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission and in accordance with the provisions set forth in Section 27.05. In cases where a wall extends to any alley which serves as a means of ingress and egress to a parking area, the wall may be ended within ten (10) feet from the nearest edge of the alley so as to provide a wider access route to the parking area.
- f. Wheel Stops. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.
- g. Attendant Shelter. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district.
- h. Signs. Accessory signs shall be permitted in parking areas in accordance with the provisions set forth in the Orion Township Sign Ordinance, Ordinance No. 153. *(amended 02.21.06)*

OFF-STREET PARKING CHART

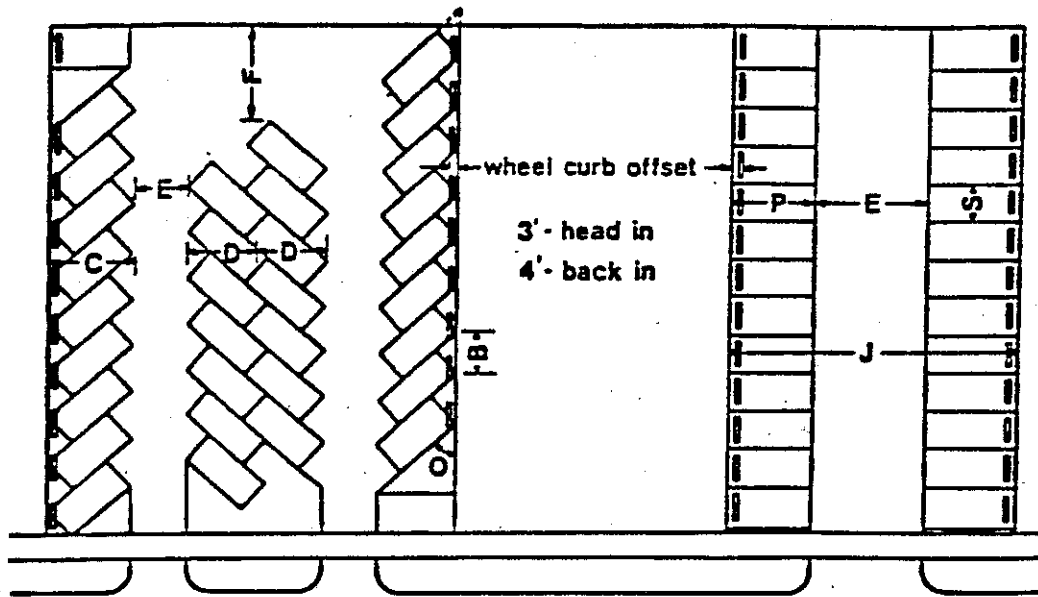


Table of Dimensions (In Feet)								
O	S	P	B	C	D	E	F	J
0°	9.0	22.0	20.0	9.0	10.0	12.0	-	30.0
30°	9.0	19.0	20.0	18.2	13.9	12.0	15.0	48.4
45°	9.0	19.0	14.1	20.4	16.9	12.0	17.0	52.9
60°	9.0	19.0	11.5	21.5	19.0	15.0	15.0	58.0
90°	9.0	19.0	10.0	19.0	19.0	22.0	22.0	60.0

- O ..... Parking Angle
- S..... Parking Space Width
- P ..... Parking Space Length
- B..... Curb Length of Parking Space Width
- C..... Perpendicular Length of Stall (against wall)
- D..... Perpendicular Length of Stall (overlap)
- E ..... Aisle Width
- F..... Turn Around Aisle Width
- J ..... Wall-to-Wall Dimension

B. Off-Street Loading and Unloading.

1. Scope and Application.

The off-street loading and unloading provisions of this Ordinance shall apply as follows:

- a. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, off-street loading and unloading space shall be provided as required by the provisions set forth in this section and by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently pursued

**27.04 Parking and Loading Regulations**

- to completion, loading and unloading facilities, as required for issuance of said building permit, may be provided in lieu of any different requirements of this Ordinance.
- b. If the intensity of use of any building, structure, or premises is increased through the addition of gross floor area, additional off-street loading and unloading facilities shall be provided for such increase in intensity of use.
  - c. Whenever the existing use of a building or structure is changed to a new use, loading and unloading facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which might have been in effect prior to the change in use.

**2. General Requirements.**

- a. Location. Permitted and required loading berths shall be located as provided in the regulations for each zoning district. Except as provided under Central Loading below, all required loading berths shall be located on the same zoning lot as the use served. No permitted or required loading berth shall be located within thirty (30) feet of the nearest intersection of any two (2) streets. Loading and unloading facilities shall not be so located as to interfere with ingress or egress or off-street parking.
- b. Size. Unless otherwise specified, any required off-street loading berth shall be at least ten (10) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- c. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. A determination that this standard has been met shall be made by the Planning Commission during site plan review.
- d. Surfacing. All off-street loading berths and loading dock approaches shall be surfaced with a permanent, durable surface, such as concrete, asphalt, or an equivalent material as approved by the Planning Commission. The grading, drainage, and surfacing plans for the loading area shall be in conformance with the specifications of the Township Engineer.
- e. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with required loading facilities. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.
- f. Exclusive Use. Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g. Central Loading. Central loading facilities may be substituted for loading berths for individual businesses on separate lots provided that all of the following conditions are fulfilled:
  - i. Each zoning lot or business served shall have direct access to the central loading area without crossing streets or alleys-at-grade.
  - ii. Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of all of the businesses or lots served. The area of all of the businesses served may be totaled before computing the number of loading berths required.
  - iii. No building or lot served shall be more than five hundred (500) feet from the central loading area.
- h. Minimum Facilities. In the event that off-street loading and unloading facilities are required for a particular use, but the buildings in which the use is located are of less floor area than the minimum prescribed for such required facilities, said use shall be provided with adequate receiving facilities that are accessible by motor vehicle off an adjacent alley, service drive, or open space on the same zoning lot.

**27.04 Parking and Loading Regulations**

## 3. Specific Requirements.

- a. Residence Districts. Off-street loading facilities accessory to uses allowed in districts zoned for residential use shall be provided in accordance with the following minimum requirements:
  - i. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional loading berth for each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof:
    - Hospitals and health institutions
    - Religious institutions
    - Educational and cultural institutions
    - Recreation and social facilities
    - All other non-residential uses in a residentially zoned district
  - ii. Special Purpose 1 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use.
- b. Business Districts. Off-street loading facilities accessory to uses allowed in districts zoned for business related uses (OP, RB, GB SP-1, SP-2, REC-1, REC-2) shall be provided in accordance with the following minimum requirements, except that the Planning Commission may, at their discretion, modify or waive the loading and unloading requirements upon finding that the proposed use will require infrequent deliveries and/or deliveries will usually be made by automobile, van or small truck. *(amended 02.03.86, 02.01.16)*
  - i. Establishments containing less than ten thousand (10,000) square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or designated delivery area on the same zoning lot. *(amended 01.17.85)*
  - ii. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; one (1) additional loading berth shall be provided for each additional one hundred thousand (100,000) square feet of gross floor area.
    - Banks and financial institutions
    - Medical and dental clinics
    - Offices, business, professional and governmental
    - Recreation buildings and community centers, non-commercial
    - Clubs and lodges (not-for-profit) - containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory)
    - Radio and television stations and studios
    - Recording studios
    - Hotels and motels - containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices
    - Stadiums, auditoriums, and arenas
  - iii. Special Purpose 1 & 2 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use.
  - iv. For all other uses, loading facilities shall be provided in accordance with the following schedule:



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<b>Gross Floor Area of Establishments in Thousands of Square Feet</b>	<b>Required Number of Berths</b>
7 to 60	1
61 to 100	2
For each additional 200,000 sq. ft. in gross floor area or fraction thereof, over 100,000 sq. ft. of gross floor area, one (1) additional berth shall be provided.	

- c. **Industrial Districts.** Off-street loading facilities accessory to uses allowed in districts zoned for industrial uses (LI, IP, IC, RFY, SP-2) shall be provided in accordance with the following minimum requirements:
- i. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing three thousand five hundred (3,500) to twenty thousand (20,000) square feet of gross floor area. For buildings containing twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional forty thousand (40,000) square feet of gross floor area or fraction thereof.
    - Any production, processing, fabrication, cleaning, servicing, testing, or repair of materials, goods, or products.
    - Warehousing, storage, and wholesale establishments
    - Cartage and express facilities
    - Mail-order houses
    - Printing and publishing
    - Motor freight terminals
  - ii. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional berth per one hundred thousand (100,000) square feet of gross area or fraction thereof.
    - Airports and commercial heliports
    - Air and railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses
  - iii. Special Purpose 2 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use. For all other uses, loading facilities shall be provided in accordance with the following schedule:

<b>Gross Floor Area of Establishments in Thousands of Square Feet</b>	<b>Required Number of Berths</b>
3.5 to 20	1
21 to 40	2
For each additional 40,000 sq. ft. in gross floor area or fraction thereof, one (1) additional berth shall be provided.	

C. **Restriction of Open Parking and/or Storage in All Districts Except Where Permitted; Regulation in Single-Family Residential Districts.** (amended 10.07.02)

- 1. Intent.

**27.04 Parking and Loading Regulations**

The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township. Furthermore, these regulations are intended to control the open parking and storage of trailers, boats, and similar recreational vehicles so as to maintain the orderly appearance of the Township's single-family neighborhoods.

**2. General Requirements.**

- a. **Motor Vehicle Parking and Storage.** *(amended 10.07.02)* No unlicensed or non-operable motor vehicle (including a motor home, trailer, travel trailer, boat, or a similar vehicle) shall be kept, parked, or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building. However, these provisions shall not apply to any motor vehicle ordinarily used and that is not out of running condition for more than fifteen (15) days. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Building Inspector may grant the owner a period of up to three (3) months to procure a license. *(amended 12.07.95)*

However, a temporary use permit may be granted for the storage and occupancy of a motor home or travel trailer providing the following conditions are met:

- i. The vehicle may be stored and occupied on-site for no more than three (3) months out of any given year, but for no more than six (6) consecutive weeks.
  - ii. The vehicle is properly licensed.
  - iii. The vehicle is stored in the rear yard, but may be stored in the side yard, provided it is at least ten (10) feet from the property line and no less than twenty (20) feet from or adjacent to a residential dwelling and maintains the required front yard setback.
  - iv. The vehicle shall be maintained to appear as if it is unoccupied, including the storage of all paraphernalia within the vehicle.
- b. **Machinery and Building Materials Storage.** Unusable, rusty, or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials, shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The storage of building materials to be used for the purpose of new construction shall also be permitted, provided that such storage does not exceed a period of sixty (60) days. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels. *(amended 12.07.95)*
- c. **Recreational Vehicle Storage.** *(amended 08.05.99, 10.07.02, 11.15.10, 06.04.12)*
- i. Subject to the following regulations, property owners may store or park their own trailers, motor homes, boats, snowmobiles, jet skis, all terrain vehicles, and similar vehicles on their own property or residence for an indefinite period of time, provided that the vehicles are in operable condition and properly licensed to the property owner or occupant. Such vehicles shall also be subject to the following:
    - For the purpose of Section 27.04 (C), the front yard shall be considered along a road and address side of the lot and shall not be abutting a lake or canal (see definition Lot, Lakefront).
    - For lots within the SF, SR, SE, R-1, R-2, or R-3 zoning districts, recreational vehicles may be stored or parked within the side or rear yard. However, recreational vehicles shall be stored no closer than ten (10) feet to any side or rear property line.

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- For lots within the SF, SR, or SE zoning districts, not more than one (1) recreational vehicle, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobile, jet skis, etc. may be stored or parked within the front yard but not within the required front yard setback.
- For lots within the R-1, R-2, or R-3 zoning districts, not more than one (1) recreational vehicle, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobiles, jet skis, etc. may be stored or parked within the front yard, provided there is at least twenty (20) feet between the street edge or road and any portion of the recreational vehicle or trailer stored within the front yard or driveway area.
- Where the storage or parking of not more than one (1) recreational vehicle trailer, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobiles, jet ski, etc. is within the front yard area (excluding front yard setback areas) and where the recreational vehicles are within ten (10) feet of a property line, the Building Department shall require a permit, subject to the following:
  - Sight visibility and corner clearance shall be maintained from adjoining roads, streets, driveways, or sidewalks.
  - Storage of recreational vehicles shall be located on a paved or gravel surface.
  - The Building Official may require a screening fence, wall or landscaping positioned in a manner to screen the views of recreational vehicles from adjoining property lines.
  - Recreational Vehicles may not be stored on vacant residential parcels which do not contain a principal use such as a home, garage or dwelling unit.
- ii. A travel trailer or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be used as a temporary dwelling unit, building, or structure, unless approved by the Zoning Board of Appeals, or as allowed in previous sections, in accordance with Section 27.02 (C)(1), or demonstrated compliance with Section 27.04 (C)(2)(a). The off-premise storage of a travel trailer or motor home shall be restricted to Limited Industrial zoned parcels.

**Section 27.05 – Landscaping, Fences, and Walls** *(amended 09.17.07)***A. Landscaping.**

1. Intent. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter, and other impacts of intensive non-residential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.
2. Scope of Application. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a Certificate of Occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 30.09. *(amended 08.15.16)*

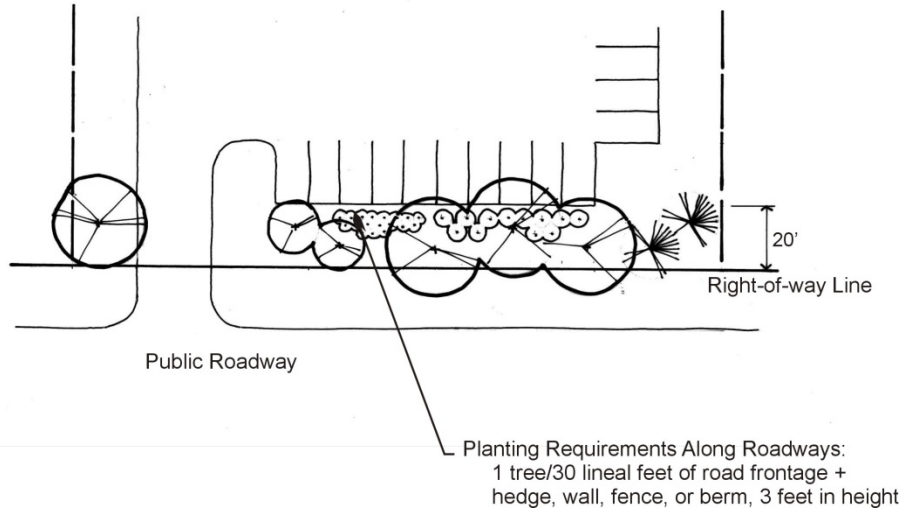
In cases where the use of an existing building changes or an existing building is changed or otherwise altered, all of the standards set forth herein shall be met.

**27.05 Landscaping, Fences and Walls**

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

3. Landscaping Design Standards. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:
  - a. General Landscaping. (amended 11.14.85) All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:
    - i. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated, with Planning Commission approval.
    - ii. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet, or portion thereof, of landscaped open-space area.
    - iii. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
    - iv. All landscaped areas shall have an underground irrigation system or shall be provided with a readily available and acceptable water supply with at least one (1) hose bib within one hundred (100) feet of all planted material to be maintained.
    - v. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.
    - vi. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for General Landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 27.05.
4. Parking Lot Landscaping Adjacent to Roads Excluding Single Family Residential Uses. A greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, for parcels fronting roads but excluding single family residential uses. Said area shall be a minimum of twenty (20) feet in width and minimally landscaped as follows and as illustrated in the following figure:
  - a. One (1) tree for each thirty (30) lineal feet, or fraction thereof, of required greenbelt separation area (including driveways). Such trees shall be located between the abutting right-of-way and the off-street parking area or vehicular use area.
  - b. In addition, a hedge, wall, decorative metal fence, or berm, or other landscape elements with a vertical rise of at least thirty (30) inches shall be developed within said separation zone. The hedge, wall, fence, or berm shall have the effect of reducing the visual effect of parked cars. If the developer decides to construct a masonry wall or decorative fence, he/she shall in addition plant one (1) shrub or vine for each ten (10) lineal feet of masonry wall on the street side of the wall.
  - c. The remainder of the required landscape separation area shall be landscaped with grass, ground cover or other landscape treatment, excluding paving such as concrete or asphalt. This shall not be construed to prohibit decorative brick paving.

27.05 Landscaping, Fences and Walls



- d. The Planning Commission may at their discretion wave or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.
- e. Landscaping of Right-of-Way and Other Adjacent Public Open Space Areas. Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
- f. Regulations Pertaining to Landscaping Areas Used for Sight Distance. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way or intersection of interior driveways, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- i. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.
  - ii. The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.
5. Screening for Conflicting Land Uses. Where non-residential uses abut residential uses or where multi-family uses abut single family uses, the Planning Commission may require a greenbelt buffer, berm or obscuring wall or combination of the aforementioned methods of screening. The methods of screening for conflicting lands uses are described as follows:
- a. Greenbelt Buffer. Where required, landscaped greenbelt and greenbelt buffers shall conform to the following standards:

**27.05 Landscaping, Fences and Walls**

- i. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
  - ii. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
  - iii. A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.
  - iv. For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area.
- b. Berms. Where required by the Planning Commission, earth berms or landscaped berms shall be in conjunction with landscape greenbelt, and conform to the following standards:
- i. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal, with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
  - ii. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
  - iii. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required berm.
  - iv. Eight (8) shrubs per tree may be planted as substitute for trees required in Item "iii" above.
  - v. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - vi. For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
  - vii. The berm and landscape buffer shall provide sufficient screening and opacity in order to appropriately obscure and buffer conflicting land uses.
- c. Obscuring Walls.

Where permitted or required in this Ordinance, obscuring walls and/or berms in non-residential districts shall be subject to the provisions set forth in this section:

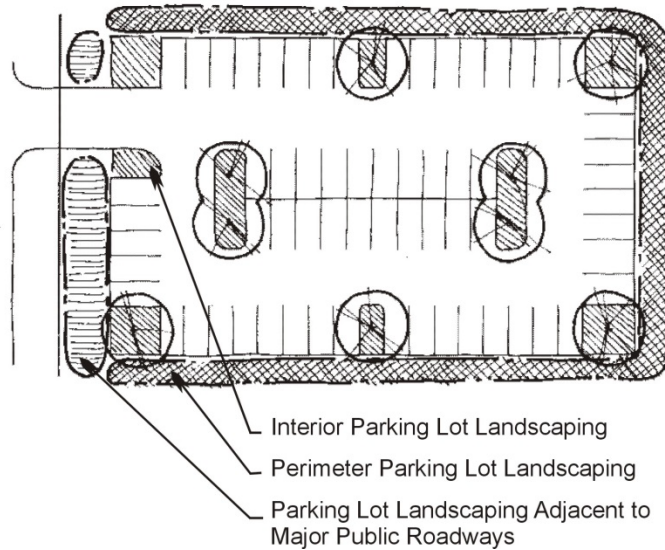
- i. General Requirements. In order to protect residential uses from the possible noise, light, traffic, litter, visual disruption, and other impacts associated with more intensive, non-residential uses, an obscuring wall, fence, berm, or other protective barrier, as approved by the Planning Commission, shall be required between any non-residential use or off-street parking area and adjacent residentially zoned districts. Furthermore, such walls, fences, berms, or other protective barriers shall be required between any residentially zoned district and any utility buildings, stations, and substations, except where all utility equipment is contained within a building or designed so as to be similar in appearance to the surrounding residential buildings. Where a non-residential use is located directly, a berm shall be required along the front property line of the non-residential property.
- ii. Location. Required obscuring walls, fences, and protective barriers (other than berms) shall be placed on the lot line, except where underground utilities interfere, in which case the required walls or fences shall be placed on the utility easement line nearest the lot line.

**27.05 Landscaping, Fences and Walls**

- iii. Openings for Vehicular Access. Required obscuring walls, fences and berms shall be continuous, with no interruptions or openings except for permitted roads and driveways for vehicular access.
  - iv. Corner Clearance. No obscuring walls and berms shall be erected, established, or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 must be complied with.
  - v. Substitution. As a substitute for required obscuring walls or berms, the Planning Commission may, in its review of the site plan, approve the use of existing and/or other natural or man-made landscape features that would produce substantial results in terms of screening, durability, and permanence.
  - vi. Wall Specifications. Required obscuring walls shall be a minimum of six (6) feet in height, and shall be constructed of the same materials as, or of materials that are architecturally compatible with, the materials used on the facade of the principal structure on the lot. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.
  - vii. Fence Specifications. Fences required for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, vinyl or other materials approved by the Planning Commission or Building Official, with posts sunk into the ground at least three (3) feet. Chain link fences shall not be permitted for screening purposes.
  - viii. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
  - ix. Entranceway Structures. Entranceway structures shall be permitted in accordance with the provisions set forth in Section 27.05 herein.
6. Interior Parking Lot Landscaping. Off-street parking areas shall be landscaped as follows:
- a. Off-street parking areas containing greater than twenty (20) spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. A minimum of one-third (1/3) of the trees required in Section 27.05 (A)(5) shall be placed on the interior of the parking area and the remaining may be placed surrounding the perimeter parking lot within ten (10) feet, as illustrated on the following figure. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
  - b. A minimum of one (1) tree shall be planted per two hundred (200) square feet or fraction thereof of interior parking lot landscaping. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Interior parking lot shrubs and trees shall permit unobstructed visibility and maintain clear vision between a height of thirty (30) inches to eight (8) feet.
  - c. Interior parking lot landscaping islands shall be no less than ten (10) feet in any single dimension and no less than two hundred (200) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.
  - d. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
  - e. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

**27.05 Landscaping, Fences and Walls**

- f. Interior parking lot landscaping and/or landscape islands shall be dispersed throughout the parking lot in order to break up large expanses of pavement.
- g. The Planning Commission may, at their discretion, waive or modify the requirement for interior landscaping in cases where the parking lot consists of only one (1) aisle and the area surrounding the parking lot is heavily landscaped or where existing off-street parking drives and/or structures are located on the parcel.



B. Materials Standards and Specifications. Except as otherwise specified in the general requirements for each zoning district, all plant and non-plant material shall be installed in accordance with the following standards:

1. Maintenance-Free Non-Plant Material. All non-plant site features shall be durable and as maintenance-free as reasonably possible.
2. Plant Quality. Plant materials used in compliance with provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Oakland County, in conformance with the standards of the American Association of Nurserymen, and shall have passed any inspections required under State regulations.
3. Plastic Plant Material Prohibited. Plastic and other non-organic, non-living plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this Ordinance.
4. Required Plant Material Specifications. The following specifications shall apply to all plant material required by this section:
  - a. Deciduous shade trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
  - b. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.
  - c. Evergreen trees shall be a minimum of five (5) feet in height when planted, except that juniper, yew and arborvitae species shall be a minimum of three (3) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
  - d. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of fifteen (15) inches when planted.



**27.05 Landscaping, Fences and Walls**

- e. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting.
  - f. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet required physical buffer requirements.
  - g. Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
  - h. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion-reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases.
  - i. Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance. Also, straw or other mulch shall be used to protect newly seeded areas.
- C. Installation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials is required:
- 1. Installation. Landscaping shall be installed in a sound, workman-like manner and according to accepted good planning procedures, with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of wheel stops or some other means. Landscaped areas shall be elevated above the pavement to a height adequate to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary Certificate of Occupancy may be issued only after the owner provides a performance guarantee to ensure installation of required landscaping in the next planting season. *(amended 08.15.16)*
  - 2. Maintenance. The owner of landscaping required by this Ordinance shall maintain the landscaping in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next appropriate planting period. Maintenance of landscaped areas in public rights-of-way adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.
- D. Regulations Pertaining to Existing Plant Material. The following standards shall apply to existing plant material:
- 1. Consideration of Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, the Planning Commission, pursuant to site plan approval, may adjust the application of the above standards to allow credit for such existing plant material, if such an adjustment is in keeping with and will preserve the intent of this Ordinance.  
  
Existing hedges, berms, wall or other landscape elements may be used to satisfy the requirements of this section, provided that such existing landscaping is in conformance with all of the requirements of this section. Maintenance of the existing landscaping elements shall be the responsibility of the individual petitioning for approval, unless an agreement between the affected property owners relative to maintenance is presented. Any such agreement shall be approved by the Township Board and recorded at the Oakland County Register of Deeds.
  - 2. Preservation of Existing Plant Material. Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered, and are four (4) inches or greater in caliper, measured twelve (12) inches above grade, except that trees listed as Prohibited Plant Materials in Section 27.05 (E) herein need not be shown unless said trees measure twelve (12) inches or greater in caliper, measured twelve (12) inches above grade.

**27.05 Landscaping, Fences and Walls**

Individual trees in wooded areas, in clusters, or in hedgerows need not be identified, provided that the boundaries of the wooded area, cluster, or hedgerow are shown, the predominant species of trees are indicated, and that individual trees twelve (12) inches or more in caliper measured twelve (12) inches above grade are identified.

Trees shall be labeled "to be removed" or "to be saved" on the site plan. If existing plant material is labeled "to be saved" on the site plan, protective measures should be implemented such as the placing of fencing or stakes at the dripline around the perimeter of the plant material. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, destroyed or damaged during construction, the owner shall replace them according to the following schedule:

<b>Caliper Measured Twelve (12) Inches Above Grade</b>		
<b>Damaged Tree</b>	<b>Replacement Tree</b>	<b>Replacement Ratio</b>
Less than 6 inches	2½ - 3 inches	1 for 1
More than 6 inches	2 - 2½ inches	1 replacement tree per each 6" in caliper or fraction thereof of damaged tree
Replacement trees shall be the same species as the damaged or removed tree, unless otherwise approved by the Planning Commission.		

E. Prohibited Plant Materials. The following plant materials (and/or their clones and cultivars) shall not be planted in this Township, because of susceptibility to storm damage, disease, and/or other undesirable characteristics:

- |              |                   |                   |        |              |
|--------------|-------------------|-------------------|--------|--------------|
| Silver Maple | Tree of Heaven    | Northern Catalpa  | Poplar | Ash          |
| Box Elder    | European Barberry | Eastern Red Cedar | Willow | American Elm |

F. Variances from Landscaping Regulations. In cases where the existing structure on its site presents practical difficulties to meeting all of the standards, the Zoning Board of Appeals may approve variances from the standards based on procedures for variances set forth in Section 30.07. In determining whether a variance would be appropriate, the Zoning Board of Appeals shall use the following criteria:

1. Topographic features or special characteristics exist on the site which create conditions such that the strict application of the provisions of this section would result in a less effective screen than alternative landscape design and plantings; or
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired buffer or screen effect; or
3. The public benefit intended by the provisions in this section could be achieved with less than the required landscaping.

G. Entranceway Structures *(amended 05.04.20)*.

Entranceway structures, such as walls, columns, or gates, shall be permitted in accordance with the following regulations:

**27.05 Landscaping, Fences and Walls**

1. **Location and Purpose.** Entranceway structures shall be permitted in any required yard area for the purpose of indicating the entrance to a subdivision, multiple-family development, mobile home park, industrial park, office park, or similar planned development containing several buildings that are related in purpose.

Entranceway structures shall be subject to the provisions concerning corner clearance, set forth in Section 27.03.

2. **Construction and Design.** Any entranceway structure shall be constructed of permanent, durable materials and shall be designed so as to be compatible with the architecture of surrounding development.
3. **Site Plan.** Prior to issuance of a building permit for any entranceway structure, a site plan shall be submitted to the Planning Commission for review and approval. The site plan shall include an elevation drawing and a cross-section of the proposed structure. The site plan shall show the relationship of the entranceway to the right-of-way of the intersecting roads and/or driveways.

**H. Residential Fence and Wall Regulations.**

Where permitted or required in this Ordinance, fences and walls in residential districts shall be subject to the provisions set forth in this section:

1. **Lot Enclosures.** Fences and walls used to enclose a lot shall be no higher than four (4) feet in height and shall be located on the lot line.
2. **Privacy or Decorative Fences and Walls.** Fences and walls erected primarily for privacy or decoration shall not be located within any required yard setback area and shall not exceed six (6) feet in height.
3. **Corner Clearance.** No fences or walls shall be erected, established or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 shall be complied with.
4. **Large Lots Excluded.** Fences and walls shall be excluded from the provisions of this section if such lots have an area of more than two (2) acres, have frontage of at least two hundred (200) feet, and are not part of a recorded plat.
5. **Fences Enclosing Public Areas.** Fences, walls or other protective barriers that enclose parks, playgrounds, or other public landscaped areas shall not exceed ten (10) feet in height. The Planning Commission may authorize a fence, wall, or protective barrier of additional height, with or without barbed wire, where necessary, to protect public utility or municipal installations in a residential district.
6. **Wall Specifications.** Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade. The foundation shall be at least four (4) inches wider than the wall to be erected.
7. **Fence Specifications.** Fences constructed of chain link, wood, vinyl or other similar materials are permitted. Posts shall be sunk into the ground at least three (3) feet.
8. **Barbed Wire Prohibited.** Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.

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27.06 Streets, Roads and Other Means of Access**Section 27.06 – Streets, Roads, and Other Means of Access**

## A. Public Streets Required.

The front lot line of all single and two-family residential lots shall abut onto a publicly dedicated street right-of-way or onto a private road or drive meeting the standards of Ordinance No. 60.

## B. Access Across Residential District Land.

No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a non-residential district, unless such access shall be by a public street.

C. Acceleration/Deceleration/Passing Lanes. *(amended 03.02.95)*

1. Driveways providing ingress and egress to all two-lane, paved major thoroughfares or collector streets shall be provided with paved acceleration and deceleration lanes and passing lanes.
2. Driveways providing ingress and egress to roads of four (4) or more lanes in width shall be provided with paved tapers for traffic entering the site.
3. Driveways providing ingress and egress to any gravel major thoroughfare or collector street shall be provided with tapers for traffic entering the site.
4. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the current standards for such facilities as established by the Road Commission for Oakland County.
5. Where it can be shown that such lanes or tapers already exist, the requirement may be waived or modified by the Planning Commission when site plan review is required by said body or by the Board of Appeals in all other instances.
6. Residential developments involving less than five (5) dwelling units shall be exempt from these provisions.

## D. Internal Roadways.

The following standards must be complied with whenever an internal or on-site roadway is required:

1. Width. Unless otherwise specified in Ordinance No. 60, Land Division and Private Roads, an internal or on-site roadway shall be at least eighteen (18) feet in width. *(amended 04.21.03)*
  - a. For any zoning district other than single-family residential that has three (3) or more structures proposed to front on an internal road, the right-of-way shall be sixty (60) feet, with an improved surface of thirty (30) feet. *(amended 04.21.03)*
  - b. For any zoning district other than single-family residential that has a single structure served by a driveway, the right-of-way shall be a minimum of thirty (30) feet with an improved surface of eighteen (18) feet.
2. Surfacing and Drainage. Unless otherwise specified, all internal or on-site roadways shall be surfaced with concrete, asphalt or an equivalent hard, dustless surface as approved by the Planning Commission. Roadways shall be graded and drained so as to not drain onto adjacent property or toward buildings. The grading, surface, and drainage plans shall be in conformance with the specifications of the Township and approved by the Township Engineer.

## E. Service Roads.

**27.06 Streets, Roads and Other Means of Access**

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a major thoroughfare, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the thoroughfare, the Commission may require construction of service roads on abutting parcels to allow traffic circulation from one (1) parcel to another without re-entering the public thoroughfare. Such service roads shall conform to the following standards:

1. Location and Dimensions. The front edge of the service road shall be located no closer than the future right-of-way line of the thoroughfare, and shall be at least twenty-four (24) feet in width.
2. Easement. Use of the service road shall be secured through an easement permitting the use of the service road for traffic circulation from one (1) parcel to another. Said easement shall be in written form acceptable to the Commission and adopted by the Township Board prior to issuance of a building permit. No permanent structures other than the service road shall be permitted within the easement. Said easement shall be recorded with the Oakland County Register of Deeds.
3. Surfacing and Drainage. Service roads shall be surfaced with concrete, asphalt or an equivalent hard, dustless surface as approved by the Planning Commission. Roadways shall be graded and drained so as not to drain toward buildings. The grading, surfacing, and drainage plans shall be in conformance with the specifications of the Township and approved by the Township Engineer.
4. Maintenance. Each property owner shall be responsible for maintenance of the easement and service road so that it remains usable as a means of circulating from one (1) parcel to another.

F. **Safety Pathways.** *(amended 01.05.87)*

Required pathways for pedestrian and bicycle use shall be constructed in conformance with the following specifications:

1. Location and Width. Required pathways shall be eight feet in width and shall be located in the road right-of-way, with a setback of one (1) foot from the property line. The Planning Commission may modify this requirement in consideration for the location of utilities, existing landscaping, or other site improvements.
2. Design Standards. Required pathways shall be constructed of asphalt or concrete in accordance with adopted engineering standards for the Township.
3. Alignment with Adjacent Pathways. Required pathways shall be aligned horizontally and vertically with existing pathways or sidewalks on adjacent properties. The Planning Commission may waive this requirement if existing adjacent pathways or sidewalks are not constructed in conformance with the standards set forth herein.
4. Signage. The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the pathways.
5. Maintenance. The owner of the property which fronts on the required pathway shall be responsible for maintenance of the pathway, including patching cracked or deteriorated pavement and removal of glass and other debris.
6. Permits. It shall be the responsibility of the owner or developer to secure any required permits from the Road Commission for Oakland County or Michigan Department of Transportation to allow pathway construction in the road right-of-way.

**Section 27.07 – Wireless Service Communication Facilities** *(amended 08.21.97, 02.26.98, 09.02.14)*

A. Purpose and Intent.

**27.07 Wireless Service Communication Facilities**

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is further the purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of residential neighborhoods and the character, property values, and aesthetic quality of the Township at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, and changes in State and Federal legislation, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
2. Establish predetermined districts in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
4. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
5. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
6. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
7. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.
8. Implement and provide for compliance with State and Federal legislation through new and amended application, review, and decision standards, requirements and procedures for wireless communication facilities requests.

**B. Authorization: As a Permitted Use**

1. As a Permitted Use Subject to Site Plan Approval.

In all Zoning Districts, a wireless communication facility described in this subsection (B)(1) shall be a permitted use subject to the standards and conditions in subsection (C), the application requirements in subsection (D), the collocation requirements in subsection (E), the procedures in subsection (G), and any prior special land use or site plan approval conditions.

- a. Wireless communications equipment attached to an existing structure not previously approved and used as a wireless communications support structure and located within a nonresidential zoning district, where there will be no substantial change in physical dimensions of the existing structure.
- b. A proposed collocation upon a wireless communication support structure which has been approved by the Township for such collocation but which is not permitted by administrative review under subsection (B)(3).

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- c. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.
  - d. Attached wireless communication facilities that are not permitted by administrative review under subsection (B)(3).
2. Authorization: As a Special Use.

Unless permitted under subsections (B)(1) or (B)(3), wireless communication facilities require approval as a special land use, which shall be subject to the standards and conditions in subsection (C), the application requirements in subsection (D), the collocation requirements in subsection (E), the procedures in subsection (G), and a demonstration of the need for the proposed facility based on one or more of the following factors:

- Proximity to an interstate or major thoroughfare.
  - Areas of population concentration.
  - Concentration of commercial, industrial, and/or other business centers.
  - Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - Other specifically identified reason creating facility need.
- a. If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (B)(1), wireless communication facilities may be permitted as a special land use in non-residential zoning districts.
  - b. If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (B)(1) or in a zoning district identified in subsection (B)(2)a, such wireless communication facility may be considered and permitted elsewhere in the Township as a special land use, subject to the following:
    - 1) In the application, the applicant shall demonstrate that no existing structure identified in subsection (B)(1) or location in a zoning district identified in subsection (B)(2)a, above can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
    - 2) Wireless communication facilities shall be of a “stealth” design, such as a steeple, bell tower, tree, or other form with substantial landscape buffering which is located and compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township taking into account any alternative designs submitted by the Applicant or identified during the review and decision process.
    - 3) Locations outside the zoning districts identified in subsection (B)(2)a, shall be limited to the following sites:
      - i. Municipally-owned sites.
      - ii. Other governmentally owned sites.
      - iii. Religious or other institutional sites.

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- iv. Public or private school sites.
  - v. Other sites if: (i) not located in a residential zoning district, and (ii) no sites identified in i – iv, above are available and suitable, as demonstrated in the application and determined by the Planning Commission.
- 4) The applicant’s demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in subsection (A).
  - 5) For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant’s demonstration that the proposed facility is more consistent with the ordinance purposes stated in subsection (A), and/or that such alternate is not feasible.
3. Authorization: As a Permitted Use Subject to Administrative Review.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review per Section 30.01(D) and written certification by the Building Official to the construction code building official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (C), with the certification to identify any items of noncompliance.

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.
  - b. The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless communications support structure and/or wireless communications compound.
  - c. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or 10% of its original height (as first erected without any later additions), whichever is greater.
  - d. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
  - e. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.
- C. Review Standards and Conditions.

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
3. Facilities shall comply with applicable federal and state standards, and Federal Communications Commission’s regulations, relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate an engineering justification for the proposed height of the support structure, and an evaluation of alternative designs and locations which might result in lower heights. Support structures



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shall not exceed the minimum height necessary for collocation by at least two (2) providers, or by a larger number of providers identified and disclosed in the application as intending and contracted or otherwise committed to use of the structure. Except as needed for communication services, and regardless of the number of collocators, wireless communication support structures shall not exceed a height of 140 feet in the SF, SE, SR, R-1, R-2, and R-3 districts, 160 feet in the RM-1, RM-2, and MHP districts, and 180 feet in all other districts. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.

5. The minimum setback of the support structure and equipment compound from an adjacent boundary of any property shall be equal to 125% of the height of the support structure.
6. There shall be unobstructed access to the support structure and equipment compound, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
7. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
8. The equipment enclosure may be located within the principal building, an accessory building, or in an equipment compound with landscaping and screening at least eight (8) feet in height and approved by the Township upon a demonstration by the applicant that placement of the equipment inside a building is not practical due to site or equipment conditions or constraints. If proposed as an accessory building or equipment compound, it shall conform to all district requirements for principal buildings, including yard setbacks. Where a wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building. Wireless communication facilities mounted upon the side of a building shall be attached flush against the building surface, and shall not be allowed to protrude more than the depth of the antenna. Such facilities shall blend into the design, contour and color scheme of the building.
9. The Township shall review and approve the architecture and color of the support structure and all accessory buildings and structures so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. Lighting is only allowed if required by, and in compliance with the standards of, the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, other governmental agencies, or the Township as a special use approval condition. Any such requirements and standards shall be documented by the Applicant
10. The support structure and system shall be designed to support, or capable of supporting the proposed wireless communication equipment, which shall be demonstrated by a structural analysis and certification from a registered professional engineer that identifies any modifications to an existing structure necessary to such capability.
11. Support structures shall be constructed, and maintained in accordance with all applicable building codes. Any approval or certification under this ordinance shall be subject to and conditioned on the construction code building official's authority to require and be provided with a soils report from a geotechnical engineer, licensed in the State of Michigan, based on actual soil borings and certifying the suitability of soil conditions, and a written engineering certification from the manufacturer or designer of the support system that the support system can safely accommodate attached antennas under expected weather conditions.
12. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard. Such plans shall include the names, pager number and email addresses, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night that have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current by immediate written notice to the Township of any changes.

**27.07 Wireless Service Communication Facilities****D. Application Requirements.**

All of the following information and documents shall be required for a special land use, site plan, or administrative review application to be considered complete:

1. A site plan prepared in accordance with Section 30.01(E), shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.
2. The site plan shall also include a detailed landscape plan prepared in accordance with the Zoning Ordinance. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of eight (8) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
3. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement accepted by the Township Board.
4. A map or plan showing the locations and heights of existing wireless communications support structures in the Township and communities adjoining the Township, and which identifies structures the Applicant is using or has the right to use and the heights at which its antennas are or may be installed.
5. The name, address identity, home and business telephone numbers, pager number and email addresses, if any, and mobile phone number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be kept current by immediate written notice of the Township of any changes.
6. An application fee in an amount established by Resolution of the Township Board or as permitted by State statute.
7. Identification of the dates, nature and conditions of any prior zoning approvals or permits for the property.
8. If the application is for a new wireless communication support structure or to place or install additional wireless communications equipment on an existing support structure, a structural analysis and certification to the Township by a registered professional engineer that the structure is designed to support, or capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment shall be specifically identified in the analysis and certification.
9. If modifications to a wireless communications support structure are identified in a structural analysis under subsection (8) above, a written determination by the Township construction code building official that, subject to review of an actual building permit application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.
10. If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and one colocation.
11. If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
12. If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.

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13. If the application is for a new wireless communications support structure non-residential zoning districts, identification and submission in written form of the evidence and arguments the Applicant will rely on in claiming that those restrictions prohibit or have the effect of prohibiting it from providing personal wireless services and that its proposal is more consistent with the ordinance purposes stated in subsection (A), than alternate sites, locations, designs, placements and features.
14. Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.
15. If the application is for a special land use approval, the name, expertise, and relationship to applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.
16. For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the Township, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.
17. The Applicant's email address, fax number or address to which the Township should direct notices regarding the Application.

**E. Collocation.****1. Statement of Policy.**

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in Subsection (A), Purpose and Intent, above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Subsection (A), Purpose and Intent. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

**2. Feasibility of collocation.**

Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

- a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections (B) and (C), above.

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## 3. Requirements for Collocation.

- a. The construction and use of a new wireless communication facility shall not be granted unless' and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
- c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

## F. Removal.

1. A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after construction.
2. A condition of every approval of a wireless communication facility shall be removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
3. The situations in which removal of a facility is required, as set forth in paragraph (2) above, may be applied and limited to portions of a facility no longer being used, by written application to and approval of the Zoning Administrator.
4. If removal of all or part of a facility is required, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
5. The required removal of a facility or a portion thereof shall be lawfully completed within 60 days of the period of nonuse under paragraph (2) above. If removal is not completed within that time, after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

## G. Procedures.

1. Review and administrative actions on special land use and site plan approval applications.

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- a. The Zoning Administrator shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (D). If the application is not complete, no later than 14 business days after receiving it, the Zoning Administrator shall provide a written or electronic notice to the Applicant specifying the information necessary to complete the application. Such initial review for completeness by the Zoning Administrator shall be on behalf of the Planning Commission for special land use and site plan approvals.
  - b. The Zoning Administrator shall review supplemental information submitted in response to an incomplete application notice and notify the Applicant of any remaining deficiencies.
  - c. An application shall be administratively complete upon the Zoning Administrator's determination or the expiration of 14 business days from receipt of the application without a notice to the Applicant of deficiencies.
  - d. Upon a special land use or site plan approval application being administratively complete, the Zoning Administrator shall promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (2) below.
  - e. If the application has disclosed professional opinions supporting the application and the Zoning Administrator or Planning Commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the Applicant by a written notice from the Zoning Administrator, as a professional review cost to be paid in accordance with the notice.
2. Decisions on special land use and site plan approval applications.
    - a. The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than 90 days after it is administratively complete.
      - 1) Any denial shall be made in writing and supported by evidence contained in a written record.
    - b. For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission shall approve or deny the application not more than 60 days after it is administratively complete.
  3. Post-approval costs, fees and administrative actions.

Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities shall be issued subject to and conditioned on all of the following:

- a. Any conditions of the special land use or site plan approval.
- b. Payment of any outstanding professional review costs as described in subsection (G)(1)e.
- c. Payment of a permit fees in an amount established by or in accordance with a Resolution of the Township Board or as governed by State statute.

**Section 27.10 – Temporary Sales Offices in Residential Districts** *(amended 08.07.97)*

Temporary offices in residential districts to be used for the sale of dwellings in a residential development may be permitted with review and approval of the Zoning Board of Appeals subject to the following conditions:

- A. A temporary sales office may not be occupied or used until all roads are constructed as shown on the approved site plan or plat for those phases of the development which are under construction. However, when asphalt road surfacing is proposed, temporary sales offices may be permitted to occupy a site before a top coat is installed.

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- B. All parking areas, drives, and walkways serving the temporary sales office shall be paved. Temporary parking areas need not be curbed.
- C. One (1) parking space shall be provided for each one hundred (100) square feet of gross floor area.
- D. All walkways and building entrances shall be lighted during hours of operation after sunset. Such lighting shall be no less than one (1) foot-candle power.
- E. Landscaping shall be provided in the general vicinity of the temporary sales office. Plans shall be submitted, in accordance with Section 27.05, which illustrate:
  - 1. The exact location of the proposed temporary sales office.
  - 2. Proposed landscaping, parking, lighting, and walks.
- F. The Zoning Board of Appeals may specify the days and hours of operation to ensure that operation of the sales office is not a nuisance to existing and future residents.
- G. Walkways and at least one (1) entrance to any temporary sales office shall meet ADA requirements for accessibility.
- H. Temporary sales offices located within a building which is intended to be part of a development and which will be used as a residential dwelling are not subject to the provisions of Section 30.11 (F), Temporary Use Permits. However, the Zoning Board of Appeals may specify the duration of such a use.
- I. The Zoning Board of Appeals may impose new conditions when such new conditions are necessary to protect the general health, safety, and welfare.

**Section 27.11 – Lighting Regulations** *(amended 04.27.00)***A. Purpose.**

The purpose of this Section is to protect the health, safety, and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility for pedestrians and motorists. To do so, this Section provides standards for various forms of lighting that will minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; reduce light pollution and light trespass from light sources onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

**B. Applicability.**

The standards in this Section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Building Official or designated individual may review any site to determine compliance with the requirements under this Section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use permit, subdivision approval or site plan approval from the Township, the applicant shall submit sufficient information to enable the Building Official and/or Planning Commission to determine whether the proposed lighting will comply with this Section.

**C. Lighting Definitions.**

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section:

**Canopy Structure.** Any overhead protective structure which is extended from a building, including an awning.

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**Glare.** Direct light emitted by a lamp, luminous tube lighting, or other light source.

**Lamp.** The component of the luminaries that produces the actual light, including luminous tube lighting.

**Light Fixture.** The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

**Light Pollution.** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.

**Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Luminaries.** The complete lighting system, including the lamp and light fixture.

**Luminous Tube Lighting.** Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

**Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e., "shoebox-type" fixtures. A luminary mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

D. Lighting Plan Submittal Requirements.

The following information must be included on all site plan submissions:

1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.
2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.)
3. Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.
4. Use of the fixture proposed.
5. Any other information deemed necessary to determine the appropriateness of lighting by the Building Department and/or Planning Commission.

E. Non-Residential Lighting Standards.

Unless exempted under this Section, all lighting must comply with the following standards:

1. Free-standing Pole Lighting.

Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles unless lights are recessed within an overhead roof or canopy structure.

- a. Site Lighting. Properties adjacent to residential properties shall be designed and maintained such that illumination levels shall not exceed 0.3 foot-candle along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed

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1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated.

Parking Lot Lighting. Parking lot illumination shall average the following minimum over the entire area, measured five (5) feet above the surface:

<b>Parking Lot Size</b>	<b>Parking Lot Average Minimum Illumination (in foot candles)</b>
Small (5-10 spaces)	0.4
Medium (11-99 spaces)	0.6
Large (100+ spaces)	0.9

- b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.
- c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.
- d. The maximum height of pole fixtures shall be twenty (20) feet, or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) feet above ground level. The Planning Commission may permit a maximum height of thirty (30) feet in an industrial district where fixtures are no closer than two hundred (200) feet to any residential district.
- e. Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial and office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, and repair areas, where such use continues after 11:00 p.m., but only for so long as such use continues.
- f. No exposed luminous tube lighting shall be used.

**2. Building-Mounted Lighting.**

- a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines.
- b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.
- c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.
- d. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands or external lighting directed on buildings, where it can



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be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

3. Canopy Lighting (*amended 07.16.18*).

a. All internally lit translucent or fabric awnings shall be prohibited within any zoning district, unless the Building Official or his or her designee determines that the following conditions are met (*amended 08.06.07*):

- i. Fluorescent tubes are not visible from the right-of-way.
- ii. Light levels comply with other ordinance provisions and are not offensive to the adjoining neighbors.
- iii. Any proposed signage on the translucent or fabric awning shall comply with Orion Township Sign Ordinance No. 153 requirements. (*amended 02.21.06*)

F. Residential Lighting Standards.

Unless exempted under this Section, all residential lighting must comply with the following standards:

1. Site Lighting. All outdoor lighting in residential use districts shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lighting from all adjacent residential districts or adjacent residences.
2. Parking Lots. For non-residential uses, allowed in residential zoning districts such as churches, and municipal facilities, etc., all parking lots shall be subject to Section 27.11 (E).

G. Prohibited Lighting Types.

The following lighting types are prohibited within the Charter Township of Orion:

1. The use of search lights or any similar high-intensity light for outdoor advertisement or entertainment.
2. Flashing, moving, or intermittent-type lighting.
3. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes or architectural accent.
4. Exterior exposed luminous tube lighting except neon lighting used for signage.

H. Exemptions.

The following are exempt from the lighting requirements of this Section, except that the Building Department may take steps to eliminate the impact of the following exempted items when deemed necessary to protect the health, safety and welfare of the public.

1. Sports fields.
2. Swimming pools.
3. Holiday decorations.
4. Shielded pedestrian walkway lighting.
5. Street lights or lights within a public or private road right-of-way.

I. Lamp or Fixture Substitution.

**27.11 Lighting Regulations**

Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Building Department for administrative approval, together with adequate information to ensure compliance with the Zoning Ordinance, which must be received prior to substitution.

**Section 27.12 – Tree and Woodlands Protection** *(amended 08.03.00)***A. Declaration and Purposes.****1. Declaration.**

Uncontrolled development of the Township could result in an unregulated and, in many cases, unnecessary removal of trees and related resources, and other forms of vegetation and natural resources and processes. Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational, and economic assets for both present and future generations. Specifically, it is found that:

- a. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.
- b. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.
- c. Trees, vegetation, and associated natural resources provide a material aspect of the character of the Township.
- d. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.
- e. Trees and woodlands increase the economic value of land for most uses.

**2. Purposes.**

The purposes of this Section are as follows, to be applied throughout the Township:

- a. To prohibit the unnecessary removal of trees on undeveloped land.
- b. To discourage the unnecessary removal of trees and woodland resources in connection with the development of land.
- c. To provide for the protection, preservation, proper maintenance, and use of trees and woodlands in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.
- d. To protect the woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or historical significance.
- e. To provide for the paramount public concern for these natural resources in the interest of the health, safety, and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

**B. Definitions.**

The following definitions shall apply in the interpretation of this Section:

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**27.12 Tree and Woodlands Protection**

1. **Bona Fide Agricultural Use.** Agricultural use means land devoted as the principal use for the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The management and harvesting of a woodlot is not an agricultural use under this act.
  2. **Building Envelope.** The area of a building enclosed or to be enclosed by the exterior walls of the principal building on the property, and any other area designated in this Ordinance as such.
  3. **Clear-cutting.** The removal within any five (5) year period of more than twenty percent (20%) of the total number of protected trees located on a parcel of land without a tree removal permit.
  4. **Commercial Nursery.** A licensed plant or tree nursery in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale to the general public in the ordinary course of the licensee's business.
  5. **Diameter Breast Height (d.b.h.).** A tree's diameter in inches measured by diameter tape at four and one-half (4 1/2) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.
  6. **Drip Line.** An imaginary vertical line extending downward from the outermost tips of the tree branch to the ground.
  7. **Landmark Tree.** Shall mean any tree which stands apart from neighboring trees due to the size, form, species or historic significance. Criteria pertaining to the size of landmark trees is listed in Section L of these regulations.
  8. **Parcel.** All contiguous land situated in a lot or plot of land owned by a person.
  9. **Person.** An individual, partnership, corporation, association, or other legal entity. For the purposes of this definition, an individual or entity shall mean and include all individuals in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest.
  10. **Protected Tree.** Any tree having a **diameter breast height** (d.b.h.) of four (4) inches or greater and subject to the regulations of this Ordinance.
  11. **Remove or Removal.** The act of removing or terminating the life of a tree by digging up or cutting down, or the effective removal through damage that would reasonably be expected to ultimately terminate the life of a tree.
  12. **Transplant.** The relocation of a tree from one place to another on the same property.
  13. **Tree.** Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.
  14. **Tree Survey.** A scaled drawing (one (1) inch shall not exceed one hundred (100) feet) which provides the following information: location of all protected trees (i.e., trees having four (4) inches or greater d.b.h.) plotted by accurate techniques, and the common or botanical name of those trees and their d.b.h.
  15. **Undeveloped.** A parcel of land that has not been improved. With respect to land which is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvements(s) shall be considered undeveloped.
  16. **Woodland.** A stand of trees identified on the Township's Woodland Area Map.
- C. Tree Removal Permit Required.

**27.12 Tree and Woodlands Protection**

1. Requirements. A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, "Exceptions".
2. Plat or Site Plan Approval. A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit.
3. Site Development Standards. In addition to other requirements of this Section, compliance with the following standards is required in all developments:
  - a. Structures. The applicant shall designate the location of all proposed structures or building sites and the area around them to be disturbed. Such designation shall be made with the objective of preserving protected trees, and the Planning Commission or Building Official, as the case may be, shall have discretion to require reasonable adjustments in this regard during the approval process.
  - b. Building Sites. For each building site in a development, the applicant shall designate the "building envelope," which shall be the area enclosed or to be enclosed by the exterior walls of the proposed structure on the property, plus a reasonable area beyond such walls up to fifteen (15) feet, so long as the building or structure is not in any required setback. With the objective of preserving trees, and also allowing reasonable development, the fifteen (15) feet beyond each wall may be re-allocated so that the total distance on both sides of the exterior walls is thirty (30) feet (e.g., ten (10) feet on one side and twenty (20) feet on the other). The same treatment shall be authorized for areas beyond the front and back walls.
  - c. Activities Within Building Envelope. A Tree Removal Permit shall not be required for construction of structures or improvements or other activities within a building envelope.
  - d. Activities Outside Building Envelope. Subject to the exceptions enumerated in this provision, and in Paragraph D below, a tree removal permit shall be required to remove or cut a protected tree outside of the area designated for structures and building envelopes. The Planning Commission or Building Official, as the case may be, may issue an advanced written waiver of the requirement for a tree removal permit or mitigation when it is shown that tree removal is necessary and there is no reasonable alternative in connection with building location road access, driveways, utilities, septic fields or other disturbances customarily required for the particular development. The Planning Commission or Building Official may confer with other Township personnel and/or consultants in making decisions under this Section.
  - e. Minimum Preservation Requirement. For parcels five (5) acres or greater, the applicant shall preserve and leave standing and undamaged a minimum of eighty percent (80%) of the total number of protected trees on the lot having a d.b.h. of four (4) inches or greater. However, trees contained within the designated building envelope, streets, drives, and parking areas, or within required drainage or utility improvement areas and/or driveway and sidewalk areas, as determined by the Building Official or designee, shall not be included in the calculation for determining the required minimum preservation percentage.

**D. Exceptions.**

Notwithstanding the requirements of Paragraph 3 above, the following activities shall be permitted without a Tree Removal Permit, unless otherwise prohibited by statute or other ordinance provision.

1. Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, all contiguous land owned in common by one (1) owner, shall be included in determining total acreage. The term "one owner" in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. *(amended 11.15.01)*

**27.12 Tree and Woodlands Protection**

2. Activities Within Building Envelope or Building Site. No tree removal permit shall be required for construction of structures or other activities within a building envelope or building site. This shall include roads, road rights-of-way, driveways, essential utilities, retention/detention ponds, or septic fields.
  3. Bona Fide Agricultural Use. Tree removal or transplanting occurring during use of land for bona fide agricultural operations. In determining whether the land has a bona fide agricultural operation, the nature of the use, the duration of its operation, and other relevant factors shall be considered.
  4. Commercial Nursery. Tree removal or transplanting occurring during use of land for the operation of a commercial nursery that is licensed with the State of Michigan and has previously been in operation on the property for three (3) years or more, or the property owner records an affidavit that the commercial nursery shall continue in active operation for a period of no less than five (5) years.
  5. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the interest of the public, or to the health or safety of one (1) or more persons to defer cutting pending submission and processing of a permit application. Unless life and property would be threatened, this exception shall not apply unless and until the Township Supervisor, or the Supervisor's designee, has approved the removal.
  6. Governmental Agencies. Tree trimming, removal, or transplanting performed by, or on behalf of, governmental entities, Road Commission or agencies to the limited extent necessary to achieve authorized objectives of the entities or agencies.
  7. Public Utilities. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees to the limited extent necessary to achieve authorized objectives of the utility.
  8. Dead or Damaged Trees. Removal or trimming of dead or damaged trees, provided the Township has first confirmed in writing the dead or damaged condition upon request of the property owner.
  9. Nominal Activity. Where the activity involves the removal or transplanting of three (3) or fewer trees having six (6) inches or greater d.b.h. within a one (1) year period, and is not related to the development of a parcel or construction of a building or structure.
  10. Tree Management. Where a tree management plan prepared by a State of Michigan registered forester or other natural resource professional who is qualified to prepare such a plan is submitted to and approved by the Building Official or designee, who may confer with the Township expert at his or her discretion, tree cutting may occur in accordance with the plan without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees and/or for forest or woodland improvements generally; for promotion of wildlife habitat; for facilitation of appropriate forest-related or woodland-related recreational activities, including but not limited to hunting; and for other similarly acceptable silvicultural practices. The management plan shall include the means by which cut trees shall be removed from the property with the least possible damage to remaining trees. The person seeking approval and exemption under this provision may be required to establish an escrow with the Building Official for the purpose of covering the costs of the Township's expert.
- E. Application for Tree Removal Permit.
1. Application and Fee. A person seeking a Tree Removal Permit must submit a written application to the Township Clerk and pay the permit application fee as established by resolution of the Township Board.
  2. Time of Application. Application for a Tree Removal Permit shall be made before removing, cutting, or transplanting trees. Where the site is proposed for development necessitating site plan, site condominium or plat review, application for a Tree Removal Permit shall be made prior to or concurrent with site plan or final preliminary plat submittal. Where development of one (1) single-family home is proposed (on parcels of five

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- (5) acres or more), application for tree removal permit shall be made prior to or concurrent with the building permit application.
3. One (1) Single-Family Building Site. For one (1) single-family building site on parcels of five (5) acres or more, the permit application shall include four (4) copies of a plan drawn to scale containing the following information:
    - a. Property Dimensions. The boundaries and dimensions of the property, and the location of any existing and proposed structure or improvement, and a statement identifying the type of structure or improvement.
    - b. Inventory of Trees. Location of all existing protected trees identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be so designated. The Building Official or designee may waive detailed tree inventory requirements for those areas of the site where proposed development will not impact regulated trees.
    - c. Tree Protection. A statement describing how trees intended to remain will be protected during development.
    - d. Easements and Setbacks. Location and dimension of existing and proposed easements, as well as all setbacks required by the Zoning Ordinance.
    - e. Grade Changes. Designation and description of grade changes proposed for the property.
    - f. Intended Tree Replacement. A cost estimate for any proposed tree replacement program, with a detailed explanation including the number, size, and species.
    - g. Tree Identification. A statement that all trees being retained will be identified by some method such as painting, flagging, etc., and, where protective barriers are necessary, that they will be erected before work starts.
    - h. Structures, Building Envelope, Utilities, and Driveway. The plan shall show the structures, building envelope, utilities, and driveway as existing and/or proposed on the property.
  4. Other Developments. For other developments, including site plans, site condominiums or subdivisions, the permit applicant shall provide ten (10) copies of a plan containing the same information required for one (1) single-family building site, and the following additional information:
    - a. Plan. A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.
    - b. Tree Survey. A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.
    - c. For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.
  5. For All Developments. For all developments, any proposed tree relocation or replacement, consistent with Paragraph H, below, shall be specified in the application, including a drawing and detailed explanation of the proposal.
- F. Application Review Procedure.
1. Staff Review. The Building Official or designee shall review the submitted Tree Removal Permit application to verify that the applicant has provided all required information. Completed applications shall be referred to the appropriate consultants. Upon request of either the applicant or the Township, the Township may conduct

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a field inspection or review meeting. The Township personnel involved in the review shall submit their reports and recommendations to the Building Official, who shall forward them to the Planning Commission or Township Board, as appropriate, for further review.

2. Reviewing Authority. Where the site is proposed for development necessitating site plan review, site condominium or plat approval by the Township Planning Commission, the Planning Commission shall be responsible for granting or denying the application for a Tree Removal Permit (subject to affirmation, reversal, or modification by the Township Board, with respect to plat approvals). Where site plan review or plat approval by the Planning Commission is not required by ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Building Official or designee, following the right and opportunity of the Building Official or designee to confer with consultants. Where the use of a consultant is reasonably required, the property owner shall establish an escrow in an amount determined by Township Board resolution establishing fees, out of which the consultant's fee shall be paid. The decision to grant or deny a permit shall be governed by the review standards enumerated in Paragraph G, below.
3. Denial of Tree Removal Permit. Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial. If such decision is made by the Planning Commission or Township Board, it shall be a part of the minutes of the meeting at which action on a site plan, site condominium or plat review was taken. Denial of a tree removal permit may be appealed to the Zoning Board of Appeals, in accordance with the provisions of this Ordinance.
4. Tree Removal Permit. Whenever an application for a Tree Removal Permit is granted, the reviewing authority shall:
  - a. Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this Ordinance will be fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.
  - b. Completion of Operations. Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting, and replacement operations, ensuring that plantings occur at correct times of the year. Such time may be extended, upon written request submitted thirty (30) days before expiration of the original permit, by the body or entity that approved the original permit.
  - c. Security. Require the permit grantee to file with the Township a cash or irrevocable bank letter of credit in an amount reasonably determined necessary by the Township to ensure compliance with the Tree Removal Permit conditions and this Ordinance in regard to transplanting and replacement of trees; provided, however, that security shall only be required if the developer is to perform the transplanting and/or replacement after six (6) months following grant of a permit, or to perform the transplanting and/or replacement after issuance of a Certificate of Occupancy. The security requirement may also be waived at the direction of the Planning Commission or Building Official. *(amended 08.15.16)*
  - d. Term of Permit. A tree removal permit issued under this paragraph shall be null and void if commencement of work permitted under the permit has not been commenced within a reasonable time, not to exceed twelve (12) months. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. A six (6) month extension may be granted upon written request to the body or entity that approved the original permit. The request must be received forty-five (45) days before expiration of the original permit.
5. Time for Decision. Where a single, one-family home on a parcel five (5) acres or more is proposed, or where a site plan, site condominium, or plat review is required, the Township's decision on the application shall be issued within sixty (60) days of the date of the Township's receipt of a complete application for a Tree Removal Permit or from the time that the application is considered administratively complete; or if the application under this Section is being considered in conjunction with a companion application for development approval involving the same property, the Township's decision on the application under this Section shall be made concurrent with the decision on the other development proposal.

**27.12 Tree and Woodlands Protection****G. Application Review Standards.**

The following standards shall govern the granting or denial of an application for Tree Removal Permit:

1. Limitation. Removal or transplanting of protected trees shall be subject to the Minimum Preservation Requirement set forth in Paragraph C (3), above, for site development, and removal or transplanting of protected trees shall otherwise be limited to instances where:
  - a. Necessary for Construction. Removal or transplanting is necessary for the construction of a building, structure, or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on site for improvement; or
  - b. Disease, Damage, Etc. The tree(s) is demonstrated to the Township Building Official to be diseased, damaged, or in danger of falling; be located too close to existing or proposed buildings or structures; interfere with existing utility service or drainage; create unsafe vision clearance; or be in violation of other ordinances or regulations.
2. Minimum Preservation Requirements. Unless otherwise exempt from the regulations of this Ordinance, all sites shall maintain a minimum preservation as required in Subsection (C)(3)(e), above.
3. Preservation and Conservation. Tree preservation and conservation shall be of paramount concern and importance; provided, however, that an application shall not be denied solely because of the presence of trees on the site.
4. Developmental Alternatives. Preservation and conservation of wooded areas, trees, woody vegetation, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures, or other site improvements.
5. Diversity of Species. A diversity of tree species shall be maintained where feasible.
6. Clear-Cutting. Where the proposed activity consists of land clearing, or clear-cutting, it shall be limited to areas to be improved for roadways, sidewalks, drainage, and utilities and areas necessary for the construction of buildings, structures, or other site improvements as shown on an approved site plan, site condominium or subdivision plat. Clear-cutting of more than twenty percent (20%) of a site (excluding areas essential for development such as roads, drainage utilities, buildings etc.) shall be prohibited.
7. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with Paragraph H, and tree protection, in accordance with Paragraph I.

**H. Tree Relocation or Replacement.**

1. Requirement Established. For each protected tree required to be preserved under the terms and standards set forth above, and which is permitted to be removed by permit granted under this Section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth below.
2. Replacement Tree Requirements.
  - a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be State Department of Agriculture Nursery Grade No. 1 or better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and watered, and shall be guaranteed by the applicant for two (2) years. An agreement together with appropriate security (cash or letter of credit) in a form approved by the Township, shall be provided in connection with such guaranty.
  - b. Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.



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- c. For deciduous trees, replacement shall be on a one-for-one basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a d.b.h. of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet tall.
  - d. One (1) landmark tree shall be replaced at a rate of one (1) inch of replacement tree for each d.b.h. inch of landmark tree removed.
  - e. Trees listed in Section 27.05 (E) shall not be permitted as replacement trees.
  - f. The Planning Commission shall be authorized to waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform with this Section, and the applicant proposes a contribution to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.
3. Replacement Tree Location.
- a. Township Approval Required. The Township shall approve tree relocation or replacement locations. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.
  - b. Relocation or Replacement Off-Site. Where it is not feasible and desirable to relocate or replace trees on site, as determined by the Township decision-maker under this Section, relocation or replacement may be made at another location in the Township, approved as part of the permit. This shall not preclude reasonable actions to conform with this Section or contributions to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.
- I. Tree Protection During Construction.
1. Placing Materials Near Tree. No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the drip line.
  2. Attachments to Trees. During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.
  3. Protective Barrier. Before development, land-clearing, filling, or any land alteration for which a Tree Removal Permit is required, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the Township authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:
    - a. Rights-of-Way and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
    - b. Large, Separate Areas. Large property areas separate from the construction or land clearing area, onto which no equipment will travel or be stored, may also be cordoned off as described in Subparagraph (a) above.
- J. Display of Permit: Stop Work. Certificate of Occupancy.
1. Display of Permit. The tree removal permit grantee shall conspicuously display the permit on site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow Township representatives to enter

**27.12 Tree and Woodlands Protection**

and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.

2. Stop Work: Withholding Certificate of Occupancy. The Building Official may issue a stop work order if this Section is being violated, or if the Permittee is failing to conform with any conditions attached to a Tree Removal Permit. In addition, the Building Official may withhold issuance of a Certificate of Occupancy until a violation or conformance with a condition has been cured; provided, however, the Building Official may, in his or her discretion, issue a temporary Certificate of Occupancy, conditioned upon the posting of reasonable security coupled with an agreement in a form approved by the Township guaranteeing the cure of a violation or condition.
3. Pursuit of Court Relief. In addition to all other remedies available, the Township may issue a citation or initiate Circuit Court litigation to achieve compliance with this Section.

**K. Historic or Landmark Trees.**

A nomination for designation shall be brought up for consideration by the Planning Commission.

1. Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree Inventory.
2. The Planning Commission may designate a tree, upon nomination, as a historic tree upon finding that one (1) or more of the following unique characteristics exist:
  - a. The tree is the predominant tree within a distinct scenic or aesthetically valued setting.
  - b. The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)
  - c. The tree has gained prominence due to unusual form or botanical characteristics.
  - d. The tree has some historical significance to the Township.
3. The Building Department shall maintain an inventory of all nominated and designated Historic Landmark Trees.
4. A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1-to-1 caliper inch basis. For example, a 48" landmark tree shall be replaced by 24 two-inch trees. This replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health/condition of the tree is such that it should not be counted.

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L. Landmark Trees.

1. The following landmark trees shall be protected under this Section:

COMMON NAME	BOTANICAL NAME	SIZE D.B.H.
All Trees	-----	36" or greater
Arborvitae	Thuja	18"
Beech, American	Fagus grandifolia	24"
Birch	Betula	24"
Black Walnut	Juglans nigra	24"
Blue Ash	Fraxinus quadrangulata	24"
Blue-Beech	Carpinus caroliniana	24"
Chestnut	Castanea	10"
Crabapple/Hawthorne	Malus/Crataegus	12"
Dogwood, Flowering	Cornus florida	6"
Eastern Red Cedar	Juniperus virginiana	12"
Fir	Abies	24"
Ginkgo	Ginkgo	18"
Hemlock	Tsuga	24"
Hickory	Carya	24"
Hop-Hornbeam	Ostrya virginiana	8"
Kentucky Coffeetree	Gymnocladus dioicus	20"
Larch/Tamarack	Larix	18"
London Planetree/Sycamore	Platanus	24"
Maple (Red)	Acer rubrum	24"
Maple (Silver)	Acer saccharinum	36"
Maple (Sugar)	Acer saccharum	24"
Maple (Norway)	Acer platanoides	24"
Maple (Amur)	Acer ginnala	8"
Maple (Box Elder)	Acer negundo	36"
Oak (All species)	Quercus	24"
Pine (All species)	Pinus	30"
Poplar	Popullis	36"
Redbud	Cercis canadensis	6"
Sassafras	Sassafras albidurn	15"
Serviceberry	Amelanchier	6"
Spruce	Picea	24"
Sweetgum	Liquidamber styraciflua	24"
Tulip Poplar	Liriodendron tulipifera	24"
Wild Cherry	Serotina	24"
Witch-Hazel	Hammamelis virginiana	6"

M. Tree Fund.

1. A Tree Fund is hereby created as the depository for all monies proposed to be paid by applicants in lieu of tree replacement or relocation, as provided in this Section.
2. The Township Board shall administer the Tree Fund, with the objective of pursuing the planting of trees within the Township. In the administration of the Tree Fund, the Township Board shall, if reasonably feasible, attempt to purchase and install trees within a reasonable proximity of the development in connection with which funds have been paid to the Tree Fund.

**Section 27.13 – Regulated Uses** *(added 03.04.02)*

A. Intent and Purpose.

**27.13 Regulated Uses**

In the development and execution of this Ordinance, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances, thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Township Board has concluded that special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. This regulation is for the purpose of preventing adverse secondary effects associated with such uses.

The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinance or State or Federal law. If any portion of this Ordinance relating to the regulation of such businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

**B. Regulated Uses.**

The following uses are considered "regulated uses":

1. Adult Uses (i.e. adult arcade, adult book store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency)
2. Sexually Orientated Businesses
3. Sexual Encounter Centers

**C. Regulated Use Definitions.**

1. Adult Uses include:
  - a. **Adult Arcade.** A place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
  - b. **Adult Book Store.** Adult novelty store or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration, reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".
  - c. **Adult Cabaret.** A night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - d. **Adult Motel.** A hotel, motel, or similar commercial establishment that:

## 27.13 Regulated Uses

- i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way that advertises the availability of any of the above;
  - ii. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e. **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - f. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
  - g. **Escort Agency.** A person or business association who furnishes or offers to furnish, or advertises escorts as one of its primary business purposes for a fee, tip, or other compensation. This shall not include persons or business associations that furnish individuals whose function is to provide assistance to senior citizens, or to persons who are physically or mentally handicapped.
- 2. **Sexually Orientated Business.** A business or commercial enterprise engaging in any of the following: (a) adult arcade; (b) adult bookstore or adult video store; (c) adult cabaret; (d) adult motion picture theater; (e) adult theater; (f) escort agency; (g) sexual encounter center.
  - 3. **Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
    - a. Physical contact, in the form of wrestling or tumbling, between persons of the opposite sex; or
    - b. Activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.
- D. Other Definitions.
- 1. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a strip tease for another person.
  - 2. **Nudity/State of Nudity.** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Public nudity does not include:
    - a. A woman breastfeeding, whether or not exposed.
    - b. Material defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.
    - c. Sexually explicit visual material defined in Section 3 of Act 33 of the Public Acts, being Section 722.673 of the Michigan Compiled Laws.

**27.13 Regulated Uses**

3. **Principal/Primary Purpose.** A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified and still be categorized as an Adult Bookstore, Adult Video Store or Adult Novelty Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.
4. **Semi-Nude/Semi-Nude Condition.** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
5. **Specified Anatomical Areas.** The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
6. **Specified Sexual Activities.** Includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

**E. Location and Additional Requirements.**

In addition to compliance with the other provisions of Township Ordinances, the following shall apply:

1. No regulated use may be located within one thousand (1,000) feet of another regulated use.
2. No regulated use may be located in or within seven hundred fifty (750) feet of any residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than 18 years of age) activities.
3. The regulated use shall be measured in a straight line from the nearest property line upon which the proposed regulated use is to be located to the nearest property line of the residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than 18 years of age) activities.
4. Regulated uses shall be permitted in the LI, Limited Industrial District as defined in Sections 16.00 – 16.04 of the Zoning Ordinance and deemed special land uses subject to the standards and approval requirements as provided in Section 30.02.
5. No regulated use shall be located in any principal or accessory structure already containing a regulated use.
6. The proposed regulated use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
7. The proposed regulated use shall conform to all standards of the zoning district in which it is located.
8. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or the adjacent roadways.
9. Entrances to a proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission".

**27.13 Regulated Uses**

10. Sexually oriented business hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
11. All off-street parking areas shall comply with Township Ordinances and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes.
12. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of "specified anatomical areas" or "specified sexual activities":
  - a. Is handicap accessible to the extent required by the Americans with Disabilities Act.
  - b. Is unobstructed by any door, lock or other entrance and exit control device.
  - c. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
  - d. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
  - e. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.
13. No person operating a sexually orientated business shall permit any person under the age of 18 years of age to be on the premises.
14. No person shall reside in or permit any person to reside in the premises of a regulated use.
15. Any prior existing, nonconforming use or permitted use abandoned for ninety (90) days shall be required to re-apply for special land use approval.

**F. Appeal to Township Board of Trustees.**

If the Planning Commission denies a site plan, application for a special land use permit, or both, for a regulated use, the applicant shall be entitled to prompt review of the denial by the Township Board of Trustees as set forth in Section 30.02.

**G. Existing Structures.**

Except as otherwise provided in this Ordinance, existing structures and/or uses which are in violation of this Section shall be subject to the regulations set forth in Article XXVII, Section 27.01 of this Ordinance, governing nonconforming structures and uses.

**Section 27.14 – Access Management** *(added 10.21.02)***A. Statement of Purpose.**

The purpose of this section is to recognize the correlation between land use decisions and traffic safety and operations. This section provides for the accurate evaluation of expected impacts of proposed projects to assist in decision-making. This section of this Ordinance is intended to regulate site plans, PUD's, plats, private road/lot splits, etc.; it is not intended to regulate an individual single-family residential dwelling site. However, the Building Official may apply the standards of this Ordinance to one single-family residential dwelling site, as appropriate. It is further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and format for preparing traffic impact studies.

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2. Allow the community to assess the effects that a proposed project may have on the community by outlining necessary information and evaluation procedures to be used.
3. Provide clear access standards and roadway improvement policies that provide property owners with reasonable access and relate improvements to those specifically and uniquely attributable to the proposed development.
4. Ensure safe and reasonable traffic operating conditions on streets and at intersections after development of the proposed site.
5. Reduce the negative impacts created by individual developments by helping to ensure the transportation system can accommodate the expected traffic in a safe and effective manner.
6. Realize a comprehensive approach to the overall impacts of developments along major thoroughfares, rather than a piecemeal approach.
7. Protect the substantial public investment in the existing roadway system.

**B. Definitions.**

The following definitions shall apply in the interpretation of this section.

1. **Arterial Road.** A major road with continuity within and/or beyond the community, which is intended to serve as a large volume highway for both the immediate community area and the region beyond.
2. **Buffer Area.** An area of the public right-of-way adjacent to a roadway which serves as a physical barrier to vehicular travel between road traffic and activity on the private property.
3. **Clear Vision Area.** Land acquired or used by, and in accordance with standard practices of, the agency having jurisdiction over a street for the purpose of maintaining unobstructed vision.
4. **Collector Road.** A road with limited continuity that is intended to serve as a major means of access from local roads to arterial roads, including principal entrance roads to large scale developments.
5. **Commercial Driveway.** A driveway serving a commercial establishment, industry, governmental or educational institution, hospital, church, apartment building, mobile home park, and all other facilities not included in the definitions for residential, field, or utility structure driveways.
6. **Directional Driveway.** A driveway system designed so that traffic leaving the road is separated from and does not conflict with traffic entering the road (with critical turning movements to and from the property restricted) at certain access points.
7. **Divided Driveway.** A driveway so designed that traffic entering the driveway is separated by a traffic island from the traffic leaving the driveway.
8. **Frontage.** The private property line that abuts the road right-of-way.
9. **Limited Access.** Road right-of-way in respect to which owners or occupants of abutting lands and other persons have no legal right to access to or from the road except at designated access points, determined by the public authority having jurisdiction over such road, street, or highway.
10. **Local Road.** A road of limited continuity, used primarily for access to abutting properties.
11. **Major Thoroughfare.** Roads other than local roads. The term refers to both arterial and collector roads.
12. **Residential Driveway.** A driveway serving a private single-family or multi-family dwelling.



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13. **Sight Distance.** The length of road a specified object is visible to the driver.

**C. Application of Standards for Major Thoroughfares.**

1. The standards of this section shall be applied to land uses within all Zoning Districts located on a Major Thoroughfare, as designated in the Township Master Plan, and shown as an arterial or collector street on the Master Functional Classification Map.
2. A traffic impact study shall be required for a rezoning, site plan, subdivision plat, or development plan, under any of the following situations:
  - a. For any proposed rezoning, whether consistent or not with the current Master Land Use Plan, when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day. The traffic impact study shall evaluate the changes between the potential uses that are the most-intense trip generators under the current zoning and the zoning being requested.
  - b. For any proposed site plan or development, when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day.
  - c. For other proposed development projects, as may be requested by the Planning Commission. Examples may include projects requiring Special Land Use permits or Planned Unit Developments.
3. The access management and driveway standards contained herein shall be required in addition to, and, where permissible, shall supersede, the requirements of the Michigan Department of Transportation (MDOT) and/or the Road Commission for Oakland County (RCOC).
4. For expansion and/or redevelopment of existing sites, where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates that all of the following apply:
  - a. Size of the parcel is insufficient to meet the dimensional standards.
  - b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
  - c. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
  - d. There is no other reasonable means of access.

**D. Traffic Impact Study.**

The developer of any proposed development shall submit to the Township, at the time of site plan application, a Traffic Impact Study. This study shall be prepared by a Professional Engineer registered in the State of Michigan or Community Planner with AICP or PCP certification with education and experience in transportation planning and/or traffic engineering. The scope and study area shall be determined by the Township Engineer and/or Township Planning Commission. The study shall be presented in a straightforward and logical sequence. Data should be presented in tables, graphs, maps, and diagrams whenever possible for clarity and ease of review. The contents of the study shall include:

1. Description of Site, Surroundings, and Study Area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system, including functional classification, number of lanes, speed limits, etc. This description should include surrounding land uses, expected development in the vicinity

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which could influence future traffic conditions, special site features, and a description of any committed roadway improvements.

2. Description of Requested Zoning or Use.

- a. For a rezoning or Master Land Use Plan amendment, a description of the potential uses which would be allowed, compared to those allowed under current zoning, should be provided.
- b. For a site plan, plat, or development plan, a description of factors such as number and types of dwelling units, the gross and usable floor area, or the number of employees should be provided.

3. Description of Existing Traffic Conditions.

- a. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, posted speed limits, and any sight distance limitations.
- b. Traffic Counts. Existing conditions, including peak-hour volumes and daily volumes on roads adjacent to the site should be provided. Existing counts and levels of service calculations for intersections in the vicinity which are expected to be impacted should be provided. Traffic count data shall not be over three (3) years old, and shall be adjusted by a growth factor to reflect current conditions. Counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts on other weekdays or on weekends may be required in some cases, as requested by the Planning Commission.
- c. Traffic Crash Data and Analysis. Crash data shall be evaluated, covering the most recent three (3) years of available information for the study area.
- d. Road Right-of-Way. The existing road right-of-way shall be identified, along with any planned expansion of the right-of-way by the applicable road agency.

4. Background Traffic Growth. For any project with an anticipated completion date beyond one (1) year from the time of the study, the analysis shall also include a scenario analyzing forecast traffic at the date of completion. The forecast shall be based on long range projections from a network traffic assignment model, if available, historic annual percentage increases, and/or future development in the area which has been approved.

5. Trip Generation.

- a. Trip generation of the proposed use shall be forecasted for the a.m. (if applicable) and p.m. peak hour and the average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
- b. If a particular land use code in Trip Generation has a data set that is statistically significant, then a value one standard deviation above the average value of the data set shall be used. If it is not statistically significant, then the maximum value of the data set shall be used.
- c. Alternately, a published or unpublished trip generation study for a comparable development may be utilized, if performed by a Professional Engineer and subject to review and approval by the Township Engineer.
- d. Trip reduction for pass-by trips, ride-sharing, transit, etc. are generally not allowed, without specific approval of the Township.
- e. For projects intended to be developed in phases, the trip generation by phase shall be described.

6. Trip Distribution. The projected traffic generated shall be distributed for inbound and outbound movements onto the existing road network to forecast turning movements at site access points and nearby intersections,

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where required. Forecasted turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be included.

7. Impact Analysis.

- a. Capacity or level-of-service (LOS) analysis at the proposed access points and intersections to be reviewed shall be performed using the procedures outlined in the most recent edition of Highway Capacity Manual, published by the Transportation Research Board. Generally, capacity analyses shall be performed for all intersections in the study area where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or locations experiencing a relatively high crash rate.
- b. Gap studies and/or traffic signal warrant studies for unsignalized intersections should be provided, where applicable.

8. Other Study Items.

- a. The need for, or provision of, any additional road right-of-way.
- b. Changes which should be considered to the plat or site plan layout.
- c. Description of any needed safety path facilities.
- d. The adequacy of the queuing (stacking) area for a drive-through facility, or other facilities of concern.
- e. Evaluation of sight distances at proposed site driveways.

9. Mitigation and Alternatives. The study shall outline mitigation measures specifically and uniquely attributable to the development that are needed to maintain traffic flow to, from, and within the site at an acceptable and safe level. It shall demonstrate any changes to the level-of-service (LOS) achieved by these measures. The mitigation measures may include, but are not limited to, items such as roadway widening, passing lanes, turning lanes, deceleration tapers /lanes, changes to signalization, use of access management or travel demand management techniques, and the reduction in the proposed intensity of development.

E. Access Controls. *(amended 07.16.18)*

A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be by way of a local road, shared driveway or a marginal access (service) drive. Where it is not possible to provide shared access, this access may be by a single driveway. The control of driveway and local road access to major thoroughfares in the Township is critical to the safe and efficient operation of these facilities. Experience has shown that implementation of these policies will minimize highway congestion and crashes, while creating more attractive, functional, and economically viable places throughout the Township.

The following policies apply to all roadways designated as major thoroughfares on the Master Functional Classification Map Plan for Orion Township:

1. Direct Access. The number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. No more than one (1) driveway (or a one-way pair) is allowed per property, unless appropriate documentation is provided demonstrating the need for additional driveways. Additional driveways may be permitted for a property only under one of the following:
  - a. One (1) additional two-way driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet, and one (1) additional two-way driveway for each additional five hundred (500) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.

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- b. Two (2) one-way driveways may be permitted along a frontage of at least one hundred twenty-five (125) feet, provided that the driveways do not interfere with operations at other driveways or along the road.
    - c. The Planning Commission may determine additional driveways are justified due to the amount of traffic generated by the use, without compromising traffic operations along the public road, based upon a traffic impact study submitted by the applicant. Similarly, they may determine that additional driveways are required due to community interests, such as emergency vehicle access or to avoid unduly concentrating traffic into or out of the site.
  2. Indirect Access. The use of shared driveways, service roads, and cross access, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted herein, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side road, a shared driveway, or service street connecting two (2) or more properties or uses may be required. In particular, service drives, frontage roads, or parking lot maneuvering lane connections between lots or uses may be required in the following cases:
    - a. Where the driveway spacing standards of this section can not be met.
    - b. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
    - c. The site is along a corridor within the Township where there is congestion or a relatively high number of accidents.
    - d. The property frontage has limited sight distance.
    - e. The Fire Chief recommends a second means of emergency access.
  3. Re-Circulation of Traffic Within Sites. If developments are proposed that utilize one-way circulation aisles, the site shall be configured to allow the re-circulation of traffic within the site without the need to first exit out onto the street system. For those developments that utilize cross access with adjacent properties, re-circulation of traffic may occur through the cross access, upon approval of the Planning Commission.
  4. Interconnection Requirements Between Plats/Site Condos. All plats or site condominiums constructed after the adoption date of this Ordinance shall provide an interconnecting street or dedicated easement to adjacent vacant properties and/or existing developments, when determined feasible by the Planning Commission. Therefore, all interconnecting streets shall be designed to a similar standard and, whether public or private, shall be coordinated with adjacent property owners.
  5. Access Conflicts With Major Intersections. Driveways should be located and designed to minimize interference with the operation of left-turn lanes at arterial road intersections.
  6. Participation in Signal Costs. Where traffic signals are required to serve a private development, and are anticipated to meet traffic warrants, the property owner shall contribute to the cost of installing and operating the traffic signal on a basis determined by the appropriate road agency. When signal spacing or other considerations warrant, or are anticipated to warrant, traffic signal interconnection, as determined by the appropriate road agency, the cost of interconnection shall be included in a signal installation.
  7. Roadway Improvement Design Concepts. In the event that roadway widening is proposed to provide for safe access into the development for left-turning traffic, the Township encourages the provision of center lanes for left turns, and discourages the use of passing lanes. Passing lanes shall not be permitted if any portion of the passing lane or its tapers overlap or fall within two hundred (200) feet of an existing center lane for left turns or its tapers. In such cases, the existing center lane for left turns shall be extended to provide turning storage for access to the proposed development.

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8. Pedestrian Access. Pedestrian and bicycle access to and from the proposed uses and the safety path facilities planned by the Township is required.

**F. Driveway Standards.**

All plans and drawings relating to the provision and design of proposed public or private roads or driveways shall be required to conform with the Application Data Requirements - Detailed Information portion (Section 30.01 (E)(2)) of this Ordinance. In addition, the following information and conformance to the standards of this section shall be required.

1. Site Plan / Plat Drawing Requirements. The plans submitted shall clearly indicate the following features:
  - a. Existing road pavement markings, ditches, limited access rights-of-way, easements to provide a clear vision areas, street appurtenances, medians (if existing) and dimensions thereof, and driveways on adjacent property within two hundred (200) feet each direction from subject property line and on property opposite the frontage.
  - b. Design standards (in accordance with these policies) of all driveways, tapers and right-turn and passing lanes to be constructed, reconstructed, relocated, surfaced, resurfaced, operated, used or maintained to include the following dimensions and features:
    - i. widths of all driveways;
    - ii. radii of driveway returns and other points of curvature;
    - iii. driveway grades or profile views of driveways;
    - iv. angle of the driveway(s) relative to the roadway edge of pavement;
    - v. dimensions of roadside channelizing or control islands and other traffic islands adjacent to the road;
    - vi. driveway surface material and traffic island surface material;
    - vii. proposed traffic controls for driveway(s), including any signs, pavement markings, or turn prohibitions;
    - viii. sight distances for the approach;
  - c. Distance from existing driveway(s) and proposed driveway(s) to the nearest intersecting street or cross road and dimensions to property lines extended to the street pavement and buildings and business appurtenances.
  - d. All roadside features, in addition to driveways, to be constructed within the road right-of-way, including roadside control islands, curbs, sidewalks, authorized traffic signs, and other roadside features such as manholes and poles.
2. Driveway Locations.
  - a. Driveways shall be so located that no undue interference with the free movement of road traffic will result, to provide the required sight distance, and the most favorable driveway grade.
  - b. Driveways, including the radii, but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the permit applicant's right-of-way frontage, unless the driveway is being shared by adjacent property owners. This right-of-way frontage is determined by projecting the property lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certification from the adjacent property owner agreeing to such encroachment or as necessary to preserve the safety of the road.

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3. Driveway Spacing Between Driveways. The minimum spacing between two (2) driveways on the same side of the street shall be based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline.

**DRIVEWAY (TWO-WAY) SPACING STANDARDS**

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	150
35	175
40	200
45	230
50 +	275

For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of a driveway out to a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the other driveway, or require a service drive /frontage road.

4. Driveway Spacing From Intersections. A proposed driveway should be located as far as practicable from an intersection, either adjacent to it or on the opposite side of the road. The distance may be set on a case-by-case basis by the Planning Commission during site plan review, but in no instance shall be less than the distances listed above (DRIVEWAY SPACING STANDARDS). For sites with insufficient road frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or require a service/frontage road.
5. Driveway Offsets. To reduce left-turn conflicts, new driveways should be aligned with driveways or roads on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along an arterial highway and one hundred fifty (150) feet along collector roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways, or sight distance limitations.
6. Measuring Driveway Spacing and Offsets. For the purposes of determining the distances between driveways, their offsets to one another, and the spacing to intersections, the measurement shall be based on extending the centerline of the driveway(s) out to the center of the traveled portion of the road, and measuring along the center of the road.
7. Clear Vision Areas and Buffer Areas.
  - a. At intersections or railroad crossings where the road agency controls limited access right-of-way or easements to provide a clear vision area, no driveway shall enter or cross any part of that clear vision area.
  - b. Adjacent to driveways, a buffer area between the right-of-way line and the pavement edge shall be used to provide a physical barrier between moving traffic and private property. A buffer area is needed to provide an unobstructed vision area and to physically prohibit potentially hazardous movement of vehicles (especially at undesirable angles of approach) from and to the road. The buffer area shall consist of a lawn area, a low shrub area, a ditch, or equivalent method to be permanently established. Where encroachment of parked vehicles takes place or may take place, the Township may require establishment of a buffer area by curb, guardrail, guard posts, or equivalent method. In every case, an area of

**27.14 Access Management**

unobstructed vision shall be provided at either side of a driveway. This may require the removal of trees, brush, earthen embankments, and other obstructions.

- c. All driveways shall provide an unobstructed clear vision area, between a height of three (3) feet and eight (8) feet, as measured from the road surface, in a triangular shape measured fifteen (15) feet back from the point of intersection of the driveway edge and the road right-of-way.

- 8. Sight Distance. The minimum and desirable sight distance for the indicated types of approaches shall be in accordance with the following tables:

- a. Commercial Driveways and Private Roads.

Speed Limit, MPH	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	360	430	490	560	620	680	760
Desirable Sight Distance, ft.	360	430	530	660	830	1030	1240

- b. Residential Drives, When Driving Forward Out Of The Driveway.

Speed Limit, MPH	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	250	300	350	400	450	500	550
Desirable Sight Distance, ft.	360	430	490	560	620	680	760

- c. Residential Drives, When Backing Out Of The Driveway.

Speed Limit, MPH	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	300	350	400	450	500	550	600
Desirable Sight Distance, ft.	375	440	520	600	700	830	980

- d. Sight distance shall be measured fifteen (15) feet from the edge of pavement. The eye height will be assumed to be 3.25 feet and the object height will be two (2) feet. The posted speed limit will be used to determine the required sight distance.

- 9. Driveway Details. Driveways shall be designed according to the applicable standards of the MDOT or RCOC and in accordance with the following:

- a. For high traffic generators, or for driveways along roadways experiencing or expected to experience congestion, all as determined by the Planning Commission, two (2) egress lanes may be required, one being a separate left-turn lane.
- b. Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate emergency vehicles. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping of the area located outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances across from one another is discouraged.

**Section 27.15 – Open Space Preservation** *(added 12.16.02)*

A. Intent and Purpose.

The intent of this Ordinance is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas, in accordance with Act 110 of the Public Acts of 2006. *(amended 08.06.07)*

B. Eligibility Requirements.

**27.15 Open Space Preservation**

This Ordinance shall be applicable to residential properties zoned Suburban Farms (SF), Suburban Estates (SE), and Suburban Ranch (SR), if such properties are served by municipal sewers, and to properties zoned SF, SE, and SR if the properties are not served by municipal sewers. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning districts, in the event a developer or owner of property elects to submit its proposed development under the open space preservation option provided in this section.

**C. Open Space Preservation Option.**

Property meeting the eligibility requirements of this section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this section.

**D. Density Calculation.**

The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinances being observed.

1. A parallel plan shall be submitted to the Township Board in order to establish the maximum permitted density. The parallel plan shall identify how a parcel could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this section), and the requirements of all other applicable State and municipal regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan; however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.
2. The Township Board shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the parallel plan, determine the number of units to be permitted under the open space preservation option provided in this section.

**E. Design and Application Requirements.**

The following design and application requirements shall apply to a proposed open space development under this section. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed as a subdivision under the Land Division Act, and otherwise incorporated into a site plan in accordance with the requirements of this Ordinance.

1. A minimum of fifty percent (50%) of the gross site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in Section F, below.
2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features including, but not limited to, the following; however, in an open space development under this section, an "undeveloped state" shall not include a golf course:
  - a. Wetlands, floodplains, and natural watercourses;
  - b. Woodlands;
  - c. Scenic views;



**27.15 Open Space Preservation**

- d. Historical structures;
  - e. Recreational pathways and other permitted recreational facilities;
  - f. Buffers from major thoroughfares and more intense land uses; and
  - g. Similar features acceptable to the approving body.
3. The applicant for an open space development shall be entitled to an approval under this section, provided the following aspects of the proposed development plan shall be reviewed, following a public hearing, for discretionary approval by the approving body:
- a. The area and width of the resulting individual lots and building setback requirements under the open space preservation option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located, to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width, and setback requirements shall include: the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the particular zoning district. Final area, width, and setback requirements under the open space preservation option plan shall be approved by the Planning Commission, in the manner set forth in Section G, below.
  - b. Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed, for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope, in which a proposed residence may be constructed and used, including all likely improvements, such as decks, patios, and all other likely improvements to and for such residence, in conformance with the setback and other area requirements established under this section. Any exceptions to the setback and other area requirements established by the approving body shall require a variance from the Zoning Board of Appeals.
4. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access, providing perpetually existing and maintained pedestrian accessibility to all lots.
5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned safety paths, where feasible, as determined by the approving body.
6. Approval of an open space option development does not constitute a change in the zoning of the property and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
7. Restrictions.
- a. Nothing in this section shall allow the construction of multi-family residential units in a single-family residential district.
  - b. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
  - c. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, and considering the existing and anticipated future use of such services and facilities.

**27.15 Open Space Preservation**

- d. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise, and other applicable and relevant planning and/or engineering considerations.
- e. Any proposed development utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Public Act 177 of 2001, comply with all zoning regulations and design standards applicable to the property.

**F. Open Space Maintenance and Preservation.**

1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the Township attorney prior to acceptance by the approving body.
2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

**G. Review Process.**

1. Prior to submission of a proposed open space preservation option plan, the developer shall submit a parallel plan for review by the Township Board in accordance with Section D, above.
2. Upon approval of the parallel plan by the Township Board, a proposed open space preservation option plan shall be submitted to the Planning Commission and reviewed in accordance with the procedure applicable under this Ordinance to the type of development being proposed (i.e., subdivision, condominium, etc.) and in accordance with the development standards in this section and other applicable ordinances.
3. In addition to all other submittals and information required under this Ordinance, all open space preservation option plans submitted to the Planning Commission shall include a resource inventory that contains the following:
  - a. All floodplains, wetlands, and bodies of water;
  - b. A woodlands analysis, identifying all regulated woodlands;
  - c. All wildlife habitat areas;
  - d. An analysis of on-site soils and topography to identify limitations to development; and
  - e. An analysis of the cultural features of the site including, but not limited to, scenic views, historic structures, patterns of original farm fields, fences or stone walls, and recreational uses.
4. In addition to all other review considerations applicable under other sections of this Ordinance to the type of development being proposed (i.e., subdivision plat, condominium, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space preservation option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of Subsections A through F of this section, as part of the overall review process applicable to the particular development.

**H. Definitions.**

The definitions set forth in Act 177 of the Public Acts of 2001 shall be incorporated into, and considered a part of, this section.

**27.16 Large Scale Retail Establishments****Section 27.16 – Large Scale Retail Establishments** *(added 07.07.03)*

- A. Minimum Area and Width. Large scale retail stores developed individually or in combination shall have a minimum area of ten (10) acres. Sites of less than ten (10) acres may be approved, at the sole discretion of the Planning Commission, when it is demonstrated by the applicant that the following conditions are met:
1. The site will be developed and shall meet the requirements for maximum lot cover, maximum floor area cover, maximum height, or minimum yard (setback) requirements of the districts in which the site is located.
  2. Sufficient area is available to meet all landscaping and buffering standards set forth in Section 27.05.
- B. Design Standards. The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:
1. Aesthetic Character.
    - a. Facades and Exterior Walls:
      - i. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.
      - ii. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.
      - iii. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).
    2. Roofs.
      - a. Flat Roofs. Incorporate parapets to conceal rooftop equipment from public view. The height of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.
      - b. Pitched Roof.
        - i. Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.
        - ii. The average slope shall be one (1) foot of vertical rise for three (3) feet of horizontal run.
    3. Materials and Colors.
      - a. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
      - b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
      - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
      - d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
    4. Entryways. Each principal building shall have clearly defined, highly visible customer entrance consisting of a variety of architectural features such as the following:

**27.16 Large Scale Retail Establishments**

- a. canopies, porticos or overhangs;
  - b. recesses/projections;
  - c. raised corniced parapets over the door;
  - d. peaked roof forms;
  - e. display windows;
  - f. integrated tile work and moldings;
  - g. integral planters;
  - h. pavement/material changes for pedestrian cross walks.
- C. Site Design.
1. Parking Lot Location. No more than sixty percent (60%) of the off-street parking area devoted to the large scale retail establishment may be located between the front facade of the principal building and the abutting streets.
  2. Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at driveway crossings shall be installed to better define pedestrian cross walks.
  3. Pedestrian Circulation.
    - a. Safety paths shall be provided in accordance with the Safety Path Ordinance No. 97.
    - b. Internal sidewalks of no less than six (6) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.
    - c. All internal sidewalks that cross or are incorporated into maneuvering lanes shall incorporate materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
  4. Central Features and Community Space. Each large scale retail establishment shall contribute to the enhancement of the community by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such focal features or amenities. All such areas shall have direct access to the internal sidewalk network and constructed of materials that are compatible with the principal materials of the building and landscaping.
  5. Loading, Trash Containers, Outdoor Storage. Each of these functions shall be incorporated into the overall design of the building and landscaping to be visually compatible and fully screened from the view of adjacent properties and public streets. These features shall also be setback a minimum of fifty (50) feet from adjacent residentially zoned properties.
- D. Traffic Impact. The applicant shall submit a detailed traffic study in accordance with Section 27.14. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse effects to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.

27.17 Wetland Setbacks

Section 27.17 – Wetland Setbacks (added 09.17.07)

A. It is the intent of this section to require a minimum setback from wetlands (or natural features), and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature or the surrounding area. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the zoning enabling act. It is further the purpose of this section to establish and preserve minimum setback from wetlands (or natural features) in order to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area in terms of: spatial relationship, interdependency in terms of physical location, plant and animal species, over land and subsurface hydrology, water table, water quality, and erosion of sediment deposition.

It is further the purpose of this section to provide for protection, preservation, proper maintenance and use of areas surrounding wetlands (or natural features) in order to minimize disturbance to the area and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. A setback shall be maintained in relation to all areas defined in this chapter, unless, and to the extent, it is determined to be in the public interest not to maintain such setback.

B. Setbacks. For all wetlands as defined in Article II of this ordinance and by Ordinance No. 107, setbacks for all structures, parking lots, streets or driveways shall be in accordance with the following regulations:

	Required Setbacks
All structures or buildings	25 ft.
All decks	10 ft.
Parking lots	25 ft.
Streets, roads, driveways	25 ft.

C. Waivers. The Planning Commission has the discretion to decrease the above required setbacks upon demonstration of the appropriateness of a lower setback and compliance with one (1) or more of the following criteria:

1. Demonstrated habitat preservation.
2. Demonstrated water quality preservation.
3. Demonstrated storm water quality retention.
4. Existence of a legal lot of record.

For development projects adjacent to wetlands which are not reviewed by the Planning Commission, the Building Official shall have authority to issue setback waivers subject to the criteria as listed above. Appeal to the Zoning Board of Appeals, in accordance with Section 30.06, may also be sought.

Section 27.18 - Wind Energy Conversion Systems (added 02.01.10)

A. Intent – It is the intent of the Charter Township of Orion to promote the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare. In no case shall this ordinance guarantee any wind rights or establish access to the wind.

B. Approval Required - Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Charter Township of Orion unless approval for a:

1. Private WECS: A permit has been obtained from the Building Department as an accessory use and subject to Section 27.02 and the height restrictions of Section 28.02. Only one (1) Private WECS shall be permitted per parcel, and the private WECS shall not be allowed within a front yard area.
2. Commercial WECS: A special land use has been obtained pursuant to Section 30.02 and this Section.

**27.18 Wind Energy Conversion Systems**

- 3. Temporary WECS: A permit has been obtained from the Building Department.
- C. General Standards - The following standards shall apply to wind energy conversion systems in the Charter Township of Orion:
  - 1. Design Safety Certification. The safety of the design of all WECS structures shall comply with all current applicable State of Michigan guidelines and standards.
  - 2. Setbacks. All private and commercial WECS structures (Horizontal axis or vertical axis wind turbines) must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. (See Figure 27.18)

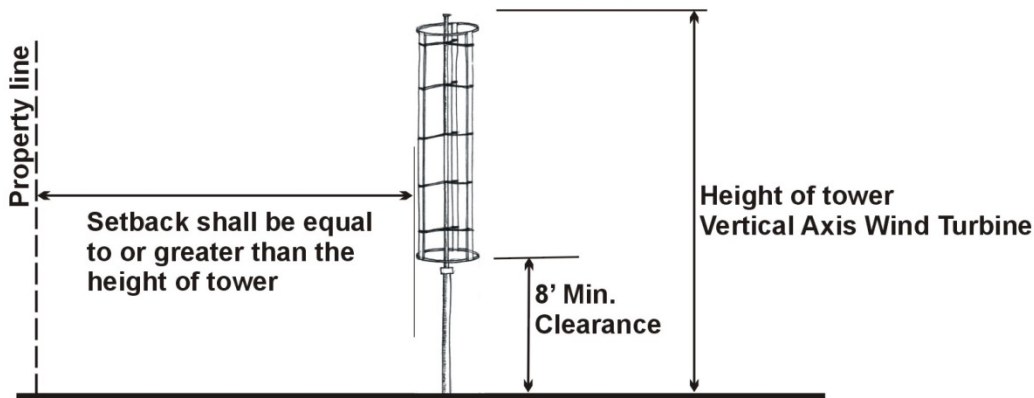
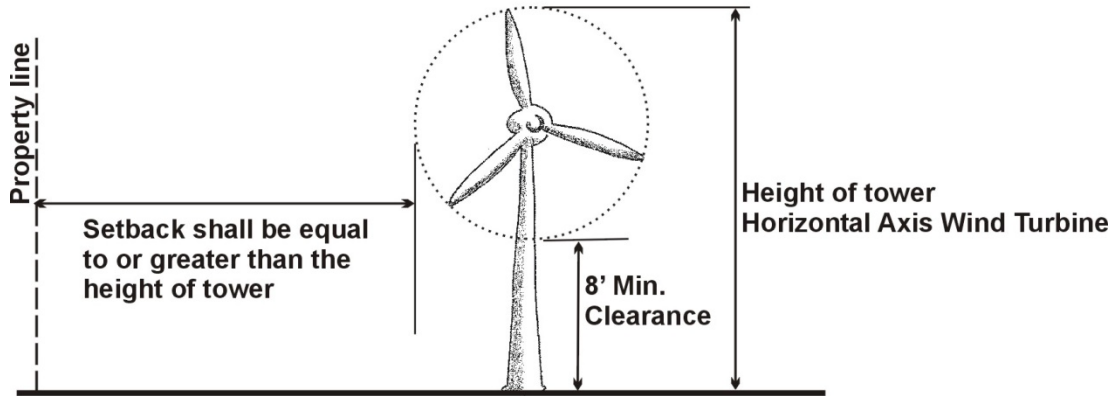


Figure 27.18

- 3. Interference. All WECS structures shall be certified by the manufacturer to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
- 4. Noise. The sound pressure level shall not exceed 60 dB(A) (A-weighted Decibels) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 60 dBA, the standard shall be ambient dBA plus 5 dBA.

**27.18 Wind Energy Conversion Systems**

5. Safety. All moving parts including blades or rotating cylinders shall be located at least eight (8) feet above the ground and a safe distance from human interference (See Figure 27.18). The support system, footings and tower shall be constructed in accordance with all applicable building codes governing structural integrity and wind loads.
  6. Height. All private and commercial WECS structures shall be subject to the height restrictions of Section 28.02.
- D. Additional Standards for Commercial WECS Structures - The following additional standards shall apply to all commercial wind energy conversion systems in the Charter Township of Orion:
1. Color. Towers and blades shall be a non-reflective neutral color.
  2. Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
  3. Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA. A WECS shall not be artificially lighted unless required by the FAA.
  4. Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices.
  5. Warnings. A visible warning sign of .High Voltage must be required to be placed at the base of all commercial WECS structures. The sign must have at a minimum six-inch letters with 3/4-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
  6. Letter of Credit. The applicant is required to post an irrevocable letter of credit for removal of a commercial structure. The value shall be in the amount given prior to construction for the cost of removal and any other costs deemed necessary by the Township. Failure of the applicant to pay for removal costs, failure of the letter of credit to pay for removal costs, or any other failure in the recovery of removal costs will permit the Township to apply all unpaid costs as a tax lien on the applicant's property. *(amended 08.15.16)*
  7. Removal. A condition of every approval of a commercial WECS shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
    - a. When the facility has not been used for 180 days or more in any calendar year. For purposes of this section, the removal of equipment from the facility, or the cessation of operations (transmission of electrical power or prolonged periods of no movement of the WECS) shall be considered as the beginning of a period of nonuse.
    - b. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the WECS without the requirement of the support structure.
    - c. The situations in which removal of a facility is required, as set forth in paragraphs a and b above, may be applied and limited to portions of a facility.
    - d. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.
- E. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.

**27.18 Wind Energy Conversion Systems**

- F. Shadow Flicker. The application for a wind energy system shall include a shadow flicker analysis, unless administratively waived by the Building Department, demonstrating locations of and expected duration of shadow flicker between sunrise and sunset over the course of a year, along with the measures the applicant will take to eliminate or mitigate the effects of shadow flicker on adjacent or nearby affected residential properties.
- G. Utility Connection. The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an inter-connected customer-owned wind energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

**Section 27.19 – Outdoor Storage** *(added 02.01.16, amended 07.16.18)*

- A. Outdoor storage of supplies, equipment, vehicles, materials, or similar items may occur as a principal use or on the same site as an accessory to a principal use only as provided for in each individual district's use matrix.
  - 1. **Principal Use.** If a principal use, the storage area shall comply with the front and rear yard setbacks of the zoning district. Outdoor yards for the storage of materials, equipment and vehicles are permitted by right when located one hundred (100) feet or more from the property line of a residentially zoned or used parcel. When located within one hundred (100) feet of the property line of a residential zoned or used parcel, outdoor storage yards may be permitted as a special land use and shall be permitted only upon special land use review and approval as set forth in Section 30.02 and upon meeting the landscaping standards of Section 27.05
  - 2. **Accessory Use.** An incidental storage area located outside of the principal building which does not exceed ten percent (10%) of the principal building area, one thousand (1,000) square feet, or eight thousand (8,000) cubic feet, whichever is less shall be permitted. The outdoor storage shall be incidental to the existing principal building. The accessory storage area shall be located in the rear yard and screened from view of any public right of way.
- B. Outdoor storage either as a Principle Use or Accessory Use shall be subject to the following regulations in addition to any specific regulations listed within each district's use matrix.
  - 1. Outdoor storage shall not exceed eight (8) feet in height. The outdoor storage of any product or material greater than eight (8) feet in height shall require special land use approval in accordance with Section 30.02.
  - 2. Outdoor storage shall be limited to the rear yard area or as otherwise permitted.
  - 3. Outdoor storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.
  - 4. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05. The Planning Commission may waive or modify these requirements for fencing and screening upon determining that:
    - a. Outdoor storage will be adequately screened from view by existing or proposed buildings, trees or shrubs, or other physical features.
    - b. Screening would serve no useful purpose due to similar uses located on adjacent land.
  - 5. The outdoor storage is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission. The site plan shall illustrate or specify the following information, at minimum:
    - a. The exact boundaries of proposed outdoor storage.
    - b. Surfacing and drainage details.



**27.19 Outdoor Storage**

- c. Screening details.
- d. Layout of outdoor storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles. For public safety purposes, at least one (1) means of direct access for emergency vehicles shall be provided that does not require entry into a building.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF ORION

RESOLUTION SPECIFYING AMOUNT OF PERFORMANCE GUARANTEE FOR  
REMOVAL OF PERSONAL WIRELESS SERVICE FACILITY

RECITATIONS:

Personal wireless service facilities ("PWS Facilities") are regulated by ordinance in the Charter Township of Orion Zoning Ordinance, and, in particular, in Article 27, Section 27.07.

In Subsection C.1.d of such Section of the Zoning Ordinance, an applicant for a PWS Facility must deposit with the Township a performance guarantee in an amount established by Township Board Resolution as security for the removal of the facility if it has been abandoned or discontinued for a period of six consecutive months or more.

The purpose of this Resolution is to establish the amount of performance guarantee as contemplated in Section 27.07.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the performance guarantee to be deposited pursuant to Section 27.07.C.1.d of the Zoning Ordinance shall be in the form of a cash deposit, irrevocable letter of credit in a form approved by the Township, or certified check, and such guarantee shall be in the amount of \$40,000, or such other greater amount as may be shown to be required in a given circumstance to assure complete removal and restoration of property.

**AYES:** Cueny, Wilson, VanTassel, Tomczak, Marleau, Dywasuk, Bastian  
**NAYES:** None  
**ABSENT:** None  
**ABSENTIONS:** None

CERTIFICATION

It is hereby certified that the foregoing Resolution was duly adopted by the Township Board of the Charter Township of Orion at a meeting duly called and held on the 19<sup>th</sup> day of April, 1999.

CHARTER TOWNSHIP OF ORION

By:   
JILL D. BASTIAN, CLERK

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**Section 28.00 – Ordinance Exceptions**

Regulations of this Ordinance governing area, height, placement, and use of land and buildings shall be subject to the exceptions contained in this Article.

**Section 28.01 – Essential Services**

The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, of overhead, surface, or underground gas, electrical, steam, or water distribution or transmission systems, collections, communication, supply or disposal systems, including mains, drains, sewers, pipes, boxes, traffic signals, hydrants, towers, poles and other equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or necessary for the public health, safety, or welfare of the community, shall be exempt from the regulations of this Ordinance; provided, however, that the installation shall conform to all Federal and State regulations having jurisdiction. However, the following essential services shall be subject to the special land use provisions set forth in Section 30.02 herein:

- A. Electrical substations.
- B. Gas regulator stations.
- C. Major transmission lines.
- D. Radio, television, microwave transmission and relay towers.
- E. Telephone exchange and transmission equipment buildings.
- F. Railroad rights-of-way, but excluding railroad yards and shops which are subject to the provisions set forth in Article XX.
- G. Water pumping stations.
- H. Water and waste-water works, reservoirs, pumping and filtration plants.

**Section 28.02 – Height Limit**

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments, or wireless transmission towers. Wind Energy Conversion Systems shall require that the height of any tower and blade in it's vertical position shall not exceed the setback from any property line. However, the Planning Commission may specify a height limit for any such structure that requires authorization as a Special Land Use. The Planning Commission shall only give approval if the total height is not adverse to the character of the area, not detrimental to the use and/or value of the surrounding properties, and not injurious to the health, safety, and welfare of the Township of Orion. In addition, any height requirement, variance, or waiver in excess of seventy (70) feet shall require mandatory approval of the Federal Aviation Agency. *(amended 02.01.10)*

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**Section 29.00 – Organization**

The administration of this Ordinance is hereby vested in four (4) agencies of the government of the Township of Orion, as follows:

Township Board of Trustees

Township Planning Commission

Zoning Board of Appeals

Enforcement Officer

The purpose of this Article is to outline the areas of jurisdiction and scope of authority of each of these four (4) offices.

**Section 29.01 – Township Board of Trustees****A. Zoning Ordinance Amendments.**

For the purpose of promoting public health, safety, and general welfare, conserving the value of property throughout the community, and maintaining sound, stable, and desirable development, the Township Board may, from time to time, in the manner set forth in Section 30.04, amend the regulations imposed in the districts created by this Ordinance, or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which the property is devoted at the time of adoption of such amendatory ordinance.

**B. Special Land Use Approval.**

An applicant may appeal a denial of a special land use request by submitting a request to be placed on the agenda of the next regularly scheduled Township Board meeting. The Township Board shall review and may act upon any appeal of a denial made by the Planning Commission on a special land use request.

**Section 29.02 – Township Planning Commission** *(amended 08.15.11)***A. Creation – This section repealed on 7/5/11 by Ordinance 117.****B. Membership – This section repealed on 12/16/96 by Ordinance 117.****C. Payment of Members – This section repealed on 7/5/11 by Ordinance 117.****D. Meetings and Rules – This section repealed on 7/5/11 by Ordinance 117.****E. Jurisdiction.**

The Planning Commission shall discharge the following duties under this Ordinance:

1. Review all applications for amendments to this Ordinance, hold hearings thereon, and report findings and recommendations to the Township Board, in accordance with the provisions set forth in Section 30.04.
2. Review all applications for special land uses, hold hearings thereon, and take action as deemed appropriate, in accordance with the provisions set forth in Section 30.02.
3. Review all applications for site plan approval in accordance with the procedures set forth herein, and make final decisions to grant approval, approval with revisions, conceptual approval, or denial of approval, in accordance with the provisions set forth in Section 30.01.

4. Make and adopt a basic plan as a guide for the development of unincorporated portions of the Township, in accordance with Michigan Public Act 168 of 1959, as amended.
5. Formulate and enforce the zoning ordinance, containing land development regulations and establishing land development districts, in accordance with Michigan Public Act 184 of 1943, as amended.
6. Receive from the Enforcement Officer recommendations as related to the effectiveness of this Ordinance, and report findings and recommendations thereon to the Township Board.
7. Review all applications for Planned Unit Development, hold hearings thereon, and take action as deemed appropriate, in accordance with the provisions set forth in Section 30.03. *(amended 04.10.86)*

**Section 29.03 – Zoning Board of Appeals** *(amended 08.15.11)*

- A. Creation – **This section repealed on 7/5/11 by Ordinance 117.**
- B. Membership – **This section repealed on 12/16/96 by Ordinance 117.**
- C. Payment of Members – **This section repealed on 7/5/11 by Ordinance 117.**
- D. Meetings and Rules – **This section repealed on 7/5/11 by Ordinance 117.**
- E. Jurisdiction.

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

1. To hear and decide on all matters referred to it, upon which it is authorized to act under the provisions of this Ordinance.
  2. To interpret the Ordinance text and map and all matters relating thereto whenever a question arises in the administration of this Ordinance as to the meaning and intent of any provision or part of this Ordinance. Any interpretations shall be consistent with the intent and purpose of this Ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general.
  3. To hear and decide appeals where it is alleged there is error of law in any order, requirement, or determination made by the Enforcement Official or his designated assistants in the enforcement of this Ordinance, in accordance with the provisions set forth in Section 30.06.
  4. To authorize the Enforcement Officer to grant temporary use permits and Certificates of Occupancy, subject to the conditions specified in Sections 27.02, 30.11, and 30.13 of this Ordinance.
  5. To hear and pass upon the applications for variances from the terms provided in Section 30.07 of this Ordinance in the manner prescribed by and subject to the standards established herein.
  6. Decisions of the Township Board pertaining to special land uses shall not be subject to ZBA review.
- F. Required Vote.

A concurring vote of the majority of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Enforcement Officer or Planning Commission, or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

- G. Finality of Decision of the Zoning Board of Appeals.

All decisions and findings of the ZBA on any appeal, or any application for a variance, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review as by law may be



provided. However, the ZBA may decide to re-hear a previously determined matter upon submission of an application with new evidence within thirty (30) days of the original decision.

H. Valid Period of ZBA Actions.

1. Permit to Construct.

Orders of the ZBA permitting the erection or alteration of a building, including granted variances, shall be valid for one (1) year from the date of such order. A building permit for such erection or alteration must be obtained within that period or the order expires and becomes null and void. The Planning & Zoning Director may grant a single one (1) year extension beyond the initial expiration date without the necessity of appearing before the Zoning Board of Appeals. Any additional extension must be heard and approved, by application, to the Zoning Board of Appeals. The Zoning Board of Appeals shall be entitled to grant two (2) additional one (1) year extensions. Absent extenuating circumstances, no additional extensions beyond the first two (2) Board-approved extensions (three (3) extensions in total) shall be granted. *(amended 06.19.23)*

2. Use Permit.

No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year from the date of such order unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### **Section 29.04 – Enforcement Officer**

A. Appointment by Township Board.

The provisions of this Ordinance shall be administered and enforced by the Orion Township Board through the Zoning Ordinance Enforcement Officer (hereafter called Enforcement Officer), and such other employees, inspectors, and appointees as the Township Board shall determine. In carrying out their designated duties, the Enforcement Officer and assistants shall not make changes in this Ordinance or vary the terms of this Ordinance.

The Enforcement Officer, as well as others involved with the administration and enforcement of this Ordinance, shall be appointed by the Township Board, upon the recommendation of the Township Supervisor, for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.

B. Jurisdiction and Duties.

The Enforcement Officer, and such deputies or assistants as shall be duly appointed, shall enforce this Ordinance and any additions thereto, and in furtherance of such authority, shall perform the following functions:

1. Record of Nonconformities.

The Enforcement Officer, and such assistants as shall be duly appointed, shall make a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance.

This record shall be updated as conditions affecting nonconforming status change. The original copy of the record of all nonconformities shall be filed with the Orion Township Clerk. Other copies shall be kept in the Building Department, the Assessing Department, and the office of the Township Supervisor.

2. Maintain Records of this Ordinance.

The Enforcement Officer shall have possession of and maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications.

3. Provide Information.

The Enforcement Officer shall assist in providing public information relative to this Ordinance.

4. Inspections.

The Enforcement Officer and his designated assistants shall have the power to inspect any and all buildings and premises necessary to determine compliance with the terms of this Ordinance and to carry out their duties in the enforcement of the provisions of this Ordinance.

In the exercise of his duties, the Enforcement Officer, and/or his designated assistants, shall have the right to enter private premises as provided by law.

5. Issue Violation Notices.

The Enforcement Officer, and such assistants as shall be duly appointed, shall have the authority to issue violation notices requiring compliance within a specified time period and advising suspected violators of right of appeal.

Furthermore, the Enforcement Officer and his duly appointed assistants shall have the authority to require that construction or work of any type be stopped when such work is not in compliance with the Ordinance; and revoke any permit which was unlawfully issued, or any permit wherein work not in compliance with this Ordinance has been performed and such work has not been corrected within thirty (30) days of notification of such defects.

6. Issue Permits.

The Enforcement Officer and his designated assistants shall have the authority and responsibility to issue building permits and any other permits covered by the provisions of Section 30.11 and 30.13 of this Ordinance.

However, the Enforcement Officer and his designated assistants shall not approve any plans nor issue any permits for any excavation, alteration, or construction until they have inspected such plans and/or such structures in detail and found them to conform with the provisions of this Ordinance. The Enforcement Officer and his designated assistants shall issue a permit when conditions imposed by this Ordinance have been complied with by the applicant. Possible violation of a contract, such as covenants or private agreements, which may occur upon the granting of the permit shall not be sufficient reason for refusing to issue a permit.

The Enforcement Officer, or his designated assistants, shall issue temporary use permits only as authorized by the Zoning Board of Appeals and subject to the conditions that may be imposed by the Zoning Board of Appeals.

7. Certificates of Occupancy.

The Enforcement Officer and his designated assistants shall have the authority and responsibility to issue Certificates of Occupancy in accordance with Section 30.13, provided all provisions of this Ordinance have been complied with.

C. General Administration.

In the administration of this Ordinance, the Enforcement Officer and his duly appointed assistants shall:

1. Forward to the Planning Commission all applications for site plan approval, special land use approval, and amendments to this Ordinance that are initially filed with the Enforcement Officer.
2. Forward to the Zoning Board of Appeals all applications for appeals, variances, non-listed uses, or other matters on which the Board of Appeals is required to act under this Ordinance.

3. Forward to the Township Board all recommendations of the Planning Commission on zoning ordinance amendments.
4. Enforce all orders of the Zoning Board of Appeals.

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**30.00 Purpose****Section 30.00 – Purpose**

The purpose of this Article is to describe the procedures and standards with regards to the following administrative functions:

- Special Land Use
- Site Plan Review
- Variances
- Appeals
- Zoning Ordinance Amendments
- Building Permits
- Certificates of Occupancy
- Fees
- Violation and Penalties
- Nonconformities
- Performance Guarantee
- Records
- Planned Unit Development

**Section 30.01 – Site Plan Review Procedures and Standards**

- A. Intent. These site plan review procedures and standards are instituted to provide an opportunity for consultation and cooperation between the applicant and the Planning Commission so as to achieve maximum utilization of land with minimum adverse effects on adjoining property. Furthermore, it is the intent of these procedures and standards to allow for review of site plans by the Planning Commission, to provide a consistent and uniform method of review, and to ensure full compliance with the standards contained herein and other applicable local ordinances and State and Federal laws.
- B. Applicability. Submission of a site plan shall be required in conjunction with any of the following (*amended 06.15.15*):
1. Any use or development for which submission of a site plan is required by provisions of this Ordinance.
  2. An application for a building permit, except for a detached single-family house and/or buildings or uses accessory thereto.
  3. Any addition to an existing principal or accessory building wherein the proposed addition constitutes an increase of ten percent (10%) or more as compared to the existing building or use. This shall exclude single family homes and accessory buildings. The following uses or site alterations listed in Table 30.01B shall require a site plan submittal:

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

TABLE 30.01B

PROJECTS REQUIRING A SITE PLAN
• New buildings or principal uses except as otherwise excluded
• Wireless Communication Facilities
• Public utility or essential service buildings
• Non-residential uses permitted in single-family districts such as churches, private schools and public facilities
• New parking lots or changes to existing parking lots which involve an area which is six thousand (6,000) sq. ft. or 10% or more of the existing parking lot
• Major landscape changes
• Major changes to driveways or internal roadways
• Extensive grading, filling or excavation (unless otherwise regulated under Ordinance 99, Earth Balancing and Excavating)
• Buildings containing two (2) or more dwelling units
• Planned Unit Developments (Subject to Section 30.03)
• Any principal use involving outdoor sales, or outdoor displays greater than 1,000 sq. ft.
• Any condominium development (Subject to 30.01G)

If the Planning & Zoning Department determines that a site plan is required, an applicant may request that this determination be referred to the Planning Commission for their review. The Planning Commission may consider a request for an administrative review and determine that an administrative review in accordance with Section 30.01D is acceptable and that it meets the criteria for minor modifications as identified in Section 30.01D. *(amended 06.19.23)*

C. Procedures and Requirements. The site plan must be submitted in compliance with the following procedures and requirements:

1. **Applicant.** The owner of an interest in land for which site design approval is sought, or the designated agent of the owner, shall file the application for site plan review with the Township. *(amended 05.18.09)*
2. **Issuance of Building Permit.** A building permit shall not be issued until the submitted site plan is approved in accordance with the procedures and standards set forth herein.
3. **Application Forms and Documentation.** The application for site plan review shall be made on such forms as shall be prescribed by the Planning Commission. The application shall be accompanied by the necessary fees and documents as provided herein. *(amended 05.18.09)*
4. **Site Plan Review Fees.** Site plan review fees shall be established by resolution of the Township Board and set forth in the Township fee schedule.
5. **Pre-Application Conference or Planning Commission Review.** In order to facilitate processing of a site plan in a timely manner, the applicant is encouraged to request a pre-application site plan conference. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. No formal action shall be taken on a site plan at a pre-application conference. There shall be no fee for a pre-application conference. An applicant shall also have the option of a brief review by the Planning Commission, subject to the availability of time on the agenda as determined by the Chairperson of the Planning Commission. *(amended 05.18.09)*
6. **Submission to Township.** The application materials for site plan review shall be submitted to the Township in accordance with the application data requirements set forth in Section 30.01 (E). Application materials must be submitted at least three (3) weeks prior to the next available Planning Commission meeting. In addition, the following requirements shall be met *(amended 06.15.00, 05.18.09, 05.04.20)*:



**30.01 Site Plan Review Procedures, Standards & Condominium Requirements**

- a. The number of copies of the site plan, as specified on the Site Plan Application, as well as an electronic copy of the same, shall be submitted to the Planning Department, as well as an original of all documents, to provide for review by the Fire Department, Water and Sewer Department, Building Department, Planner, Engineer, and Planning Commission.
- b. The applicant shall deliver one copy of the application plus two (2) copies of the site plan to each of the following agencies (please see the site plan application for a list of addresses and whether hard copies or electronic submittals are required) (*amended June 2023*):
  - 1) the Road Commission for Oakland County and/or Michigan Department of Transportation,
  - 2) the Oakland County Water Resource Commissioner's Office,
  - 3) the Oakland County Health Department,
  - 4) all applicable utility companies, including the Detroit Edison Company.

Proof of submission of the application and site plan to each agency shall be provided to the Township at the time of application.

7. **Planning Commission Consideration.** (*amended 05.06.99, 05.18.09*) After all application materials have been received and review fees paid, the application shall be reviewed in accordance with the following procedures:
  - a. The application shall be placed on the agenda of the next available Planning Commission meeting, unless otherwise exempted under the provisions set forth in Section 30.01 (D). The Planning Commission staff shall also coordinate the need for, and if applicable schedule a site walk with the Site Walk Committee of the Planning Commission.
  - b. A site plan shall be reviewed in relation to applicable standards and regulations, and to identify revisions necessary to bring the site plan into compliance. If the Planning Commission determines that revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan. Following submission of a revised plan, the site plan shall be placed on the agenda of the next available meeting of the Planning Commission for further study. (*amended 01.16.86*)
  - c. If, following review of the site plan at a regular meeting, the Planning Commission determines that the site plan is substantially in compliance with applicable standards and regulations, the Planning Commission may take formal action on the plan.
8. **Applicant Representation.** The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
9. **Planning Commission Determination.** The Planning Commission shall review the application for site plan review, together with the reports and recommendations from the Enforcement Officer, Water and Sewer Department, Township Planner, Township Engineer, Township Fire Chief, the Road Commission for Oakland County, the Oakland County Health Department, the Oakland County Water Resource Commissioner's Office, appropriate utility companies, and the Michigan Department of Transportation, where applicable. The Planning Commission shall then make a final determination based solely on the requirements and standards of this Ordinance. The Planning Commission is authorized to grant approval, or disapproval as follows (*amended 08.06.07, 05.18.09*):
  - a. Approval. Upon determination of the Planning Commission that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted. Approval shall be indicated on the site plan, and one copy shall be provided to the applicant.
  - b. Denial of Approval. Upon determination of the Planning Commission that a site plan does not comply with standards and regulations set forth in this Ordinance (e.g., requires a variance from the Zoning

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

Board of Appeals), or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied. In this case, "Denied" shall be written on the site plan and the reasons for denial shall be indicated, and one copy shall be provided to the applicant.

- 10. **Recording of Planning Commission Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission. The grounds for the action taken upon each site plan shall also be recorded in the minutes. After all steps in the site plan review process have been completed, one (1) copy of the site plan shall be retained in the Planning Commission files and an electronic copy shall be returned to the applicant. *(amended 05.18.09, 06.19.23):*
- 11. **Completion of Site Design.** Upon final approval of the site plan by the Planning Commission, a building permit may be obtained, subject to review and approval of the engineering plans by the Township Engineers. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit. If a building permit has not been issued within one (1) year of the site plan approval, the site plan approval becomes null and void and a new application for site plan review shall be required. Construction must be completed within two (2) years of approval, unless a longer time period is requested by the applicant at the time of site plan review. The applicant may request one one (1) year extension of the site plan approval which may be approved by the Planning & Zoning Department. Any additional one (1) year extensions must be granted by the Planning Commission. *(amended 05.18.09, 06.19.23)*
- 12. **Maintenance of Site.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval has been obtained. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate to such a use violation.

D. Administrative Review for Site Plans Involving Minor Modifications. Administrative review, may be required instead of Planning Commission review for site plans that involve minor modifications. *(amended 06.15.15)*

- 1. **Minor Modifications.** For the purpose of this section, minor modifications shall include proposed alterations to a building or site that do not substantially affect the character or intensity of the use, vehicular or pedestrian traffic circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. The following uses or site modifications listed in Table 30.01D may be considered for Administrative Review:

TABLE 30.01D

PROJECTS ELIGIBLE FOR ADMINISTRATIVE SITE PLAN REVIEW
• Changes to building height that do not add an additional floor.
• Minor additions or alterations to the landscape plan or landscape materials.
• Relocation of the trash receptacle, dumpster.
• Minor alterations to the internal parking layout of an off-street lot.
• An increase in total floor area up to ten percent (10%) of the existing total floor area.
• Fences located on non-residential properties subject to submittal of a boundary survey if required by the Building Department.
• Outdoor sales or outdoor displays less than 1,000 sq. ft.
• Alterations that would result in a decrease of total floor area.

The Planning & Zoning Director shall determine if the proposed modifications on a site plan are minor in accordance with these guidelines. If the modifications are not deemed minor by the Planning & Zoning Director, then review and approval by the Planning Commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, a special land use request, or a proposal that involves a discretionary decision. *(amended 05.18.09, 06.19.23)*

- 2. **Application Requirements and Procedures.** The application requirements and procedures for administrative review of site plans shall be the same as for Planning Commission review, as outlined in this

**30.01 Site Plan Review Procedures, Standards & Condominium Requirements**

section. However, the Planning & Zoning Director may waive selected information requirements contained in this section depending upon the scope of the project and type of site improvements. For smaller scale projects and minor expansions or changes in use, less detailed information may be submitted than a full site plan. The level of information is intended to be proportionate to the extent of the change, yet insure adequate review for compliance with applicable standards. *(amended 06.19.23)*

3. **Submission to Review Agencies.** The Planning & Zoning Director may request that review agencies or professionals, including the Fire Department, Water and Sewer Department, Building Department, Planner, and Engineer, confine their review to the proposed alterations only, rather than review of the entire building or site layout. *(amended 05.18.09, 06.19.23)*
  4. **Enforcement Officer Review.** The Building Official shall review each site plan that has been submitted for administrative review, together with any reports and recommendations submitted by review agencies or professionals. The Building Official shall then make a preliminary determination based solely on the requirements and standards in this Ordinance. *(amended 05.18.09)*
  5. **Planning Commission Determination.** If required, following receipt of the recommendations from the Building Official, the Planning Commission shall consider and act upon the site plan at their next available meeting. The Planning Commission shall then make a final determination based solely on the requirements and standards in this Ordinance. The Planning Commission is authorized to grant approval, or disapproval, in accordance with the standards set forth in Section 30.01 (C)(9). *(amended 05.06.99, 08.06.07, 05.18.09)*
  6. **Recording of Planning Commission Action.** Each action taken with reference to a site plan review shall be duly recorded, and copies of the site plan shall be distributed in accordance with the provisions set forth in Section 30.01 (C)(10).
  7. **Completion of Site Design.** After completion of administrative review and approval of the site plan, a building permit may be obtained, subject to review and approval of the engineering plans by the Township Engineer and review of the construction plans by the Building Department. All other requirements for completion of site design as set forth in Section 30.01 (C)(11) must be complied with.
- E. **Application Data Requirements.** The following data shall be included with, and as part of, the site plan submitted for review and approval:
1. **Application Form.** The application form shall contain the following information:
    - a. Applicant's name and address.
    - b. Name and address of property owner, if different from applicant.
    - c. Common description of property and complete legal description.
    - d. Dimensions of land and total acreage.
    - e. Existing zoning and zoning of all adjacent properties.
    - f. Proposed use of land and name of proposed development, if applicable.
    - g. Proposed buildings to be constructed.
    - h. Name and address of firm or individual who prepared site plan.
    - i. Proof of property ownership.
  2. **Detailed Information.** Site plans shall consist of an overall plan for the entire development drawn to a scale of one inch equals fifty feet (1 inch = 50 feet) for property of less than three (3) acres and one inch equal to one hundred feet (1 inch = 100 feet) for property of three (3) acres or more in size. Sheet size shall be 24

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inches by 36 inches, unless approved otherwise by the Planning Commission. The following information shall be included on all site plans, where applicable: *(amended 09.17.01)*

- a. General descriptive and identification data, including:
  - 1) Applicant's name, address, telephone number and name of township, city or village of residence.
  - 2) Title block.
  - 3) Scale.
  - 4) Northpoint.
  - 5) Dates of submission and revisions (month, day, year).
  - 6) Location map drawn to a scale of one (1) inch equals two thousand (2,000) feet, with northpoint.
  - 7) Legal and common description of property.
  - 8) Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plans.
  - 9) Written description of proposed land use.
  - 10) Zoning classification of petitioner's parcel and all abutting parcels.
  - 11) Proximity to section corner and major thoroughfares.
  - 12) Net acreage (minus rights-of-way) and total acreage.
- b. Site data, including: *(amended 11.14.85)*
  - 1) Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within one hundred (100) feet of the site.
  - 2) On parcels of more than one (1) acre, topography on the site and within one hundred (100) feet of the site at two-foot (2 ft.) intervals, referenced to a U.S.G.S. benchmark.
  - 3) Proposed lot lines, lot dimensions, property lines, structures, parking areas, and other improvements on the site and within one hundred (100) feet of the site.
  - 4) Dimensions and centerlines of existing and proposed roads and road rights-of-way.
  - 5) Acceleration, deceleration, and passing lanes, where required.
  - 6) Proposed location of access drives and on-site driveways.
  - 7) Location of existing drainage courses, flood plains, lakes and streams, with elevations.
  - 8) Location of existing and proposed interior sidewalks and sidewalks in rights-of-way.
  - 9) Exterior lighting locations.
  - 10) Trash receptacle location and method of screening.
  - 11) Transformer pad location and method of screening.

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- 12) Front, side, and rear yard dimensions.
  - 13) Parking spaces, drives, and method of surfacing.
  - 14) Loading/unloading areas.
  - 15) Information needed to calculate required parking in accordance with Zoning Ordinance standards.
  - 16) The location of lawns and landscaped areas.
  - 17) Landscape plan, including location and type of shrubs, trees, and other live plant material.
  - 18) Location, sizes, and types of existing trees that are four (4) inches or greater in caliper, measured twelve (12) inches above grade, except that trees listed as Prohibited Plant Material need be shown only if they measure twelve (12) inches or greater in caliper. Only trees that measure twelve (12) inches or greater in caliper need be shown in wooded areas, clusters, or hedgerows, provided that the boundaries and predominant species of such area, are indicated.
  - 19) All existing and proposed easements.
  - 20) Designation of fire lanes.
- c. Building and structure details, including *(amended 05.04.20)*:
- 1) Location, height, and outside dimensions of all proposed buildings or structures, including all mechanical equipment placed on the roof. *(amended 08.06.07)*
  - 2) Building floor plans.
  - 3) Total floor area.
  - 4) Obscuring walls or berm locations with cross sections, where required.
  - 5) Building elevations, drawn to a scale of one (1) inch equals four (4) feet, or to another scale approved by the Enforcement Officer and adequate to determine compliance with the requirements of this Ordinance.
  - 6) Sections, elevations/ color perspective drawings/photos or other visual aids showing architectural quality. Drawings shall also indicate final color schemes for exterior surfaces. *(added 01.02.07)*
  - 7) Information on building materials, and complimentary color schemes. This shall include presentation of material sample boards. Material sample boards shall be presented at the time of consideration by the Planning Commission. *(added 01.02.07)*
  - 8) Details of windows, recesses, roof over hangs, awnings, gables, soffitt, roof design and roofing materials. *(added 01.02.07)*
  - 9) Location and screening of roof mounted or ground mounted mechanical equipment or transformers and methods/materials used for screening. All such equipment shall be screened to minimize its visibility from adjacent roadways and abutting property lines. Screening shall be at least one (1) foot above the height of the mechanical equipment or transformers. The screening material shall be compatible with the building material and general architecture. Landscape materials or other screening structures shall not interfere with ventilation or access for maintenance. *(added 01.02.07, amended 08.06.07)*
  - 10) Information on masonry materials, siding or other materials, and patterns used for building exterior. *(added 01.02.07)*

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- d. Information concerning utilities, drainage, and related matters, including:
    - 1) Location of sanitary sewers and septic systems, existing and proposed.
    - 2) Location and size of watermains, well sites, and building service, existing and proposed.
    - 3) Location of hydrants, existing and proposed.
    - 4) Location of storm sewers, existing and proposed.
    - 5) Indication of site grading, drainage pattern, and other stormwater control measures.
    - 6) Stormwater drainage and retention calculations.
    - 7) Location of gas, electric, and telephone lines, above and below ground.
    - 8) Indication of applicability and compliance with requirements of Orion Township Wetlands Protection Ordinance No. 107.
    - 9) Assessment of potential impacts from use, processing, or movement of hazardous materials or chemicals, if applicable.
  - e. Information pertinent to multiple-family residential development, including:
    - 1) The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.)
    - 2) Density calculations by type of residential unit (dwelling units per acre).
    - 3) Floor plans of a typical building, with square feet of floor area.
    - 4) Building elevations of a typical building.
    - 5) Garage and/or carport locations and details.
    - 6) Dedicated road or service drive locations.
    - 7) Community building location, dimensions, floor plans, and elevations.
    - 8) Swimming pool fencing detail, including height and type of fence, if applicable.
    - 9) Location and size of recreation and open space areas.
    - 10) Indication of type of recreation facilities proposed for recreation areas.
  - f. General Notes (*amended 05.04.20*).
    - 1) If a plan must be modified after review by consultants or per directive from the Planning Commission or Board of Trustees, a listing of the changes to the plan must be provided with the plans as well as a signed statement that no other changes were made to the plan besides those listed. In addition, the revision date on each page with a change shall be updated with the revision date.
    - 2) If any of the items listed above are not applicable to a particular site plan, the applicant shall specify on the site plan which items do not apply, and furthermore, why the items are not applicable.
- F. Standards for Site Plan Approval. The Planning Commission shall grant site plan approval only if the site plan meets all applicable standards set forth in the Ordinance, and only upon a finding that the site design will not, on

**30.01 Site Plan Review Procedures, Standards & Condominium Requirements**

the basis of the facts known at the time of submission of the site design, have an unduly harmful external impact on surrounding property owners or on the Township as a whole. The Planning Commission may, as a basis for making such a finding, require whatever site design modifications it deems necessary, including the provision of additional site design amenities not specifically required by this Ordinance. In addition, the Planning Commission shall use the following criteria in evaluating a site plan:

1. **Adequacy of Information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).
  2. **Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. The site shall be so developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
  3. **Preservation of Natural Areas.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and alteration to the natural drainage courses. Requirements of the Orion Township Wetlands Protection Ordinance No. 107 shall be complied with, if applicable.
  4. **Privacy.** The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
  5. **Emergency Vehicle Access.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practicable means to all sides.
  6. **Ingress and Egress.** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
  7. **Pedestrian Circulation.** The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.
  8. **Vehicular and Pedestrian Circulation Layout.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry.
  9. **Drainage.** Measures proposed to remove surface waters shall not adversely affect neighboring properties or the public storm drainage system. The proposed stormwater management plan shall include provisions for adequate removal of surface waters and prevention of soil erosion.
  10. **Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
  11. **Public Services.** The scale and design of the proposed development shall facilitate the adequate provisions of services currently furnished or may be required by the Township, including fire and police protection, stormwater removal, sanitary sewage removal and treatment, traffic control, and administrative services.
  12. **Vulnerability to Hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Township to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Planning Commission shall examine the location, type, properties, quantity, and use of hazardous materials in relation to the personnel training, equipment and materials, and emergency response plans of the Township.
- G. **Site Condominium and Condominium Project Regulations.** *(added 11.07.11)*
1. **Intent.** Pursuant to the authority conferred by Section 141 of the State Condominium Act (PA 59 of 1978), site plans shall be regulated by the provisions of this Chapter and approved by the Planning Commission.

**30.01 Site Plan Review Procedures, Standards & Condominium Requirements****2. General Requirements.**

- a. Each condominium lot shall be located within a zoning district that permits the proposed use.
- b. For the purposes of this Chapter, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
- c. In the case of a condominium containing single-family detached dwelling units, not more than 1 dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.
- d. Each condominium lot shall front on and have direct access to a public street or a private street approved by the Planning Commission. An approved private street shall comply with the same standards for public subdivision streets as established and in accordance with the Charter Township of Orion engineering standards and Ordinance 60 (Land Division and Private Roads).
- e. All condominium project plans shall conform to the plan preparation requirements, design, layout and improvement standards, as established by the Township as contained within the Charter Township of Orion Subdivision Regulations, Ordinance 27.

**3. Site Plan Approval Requirements.** Approval of the site plan and approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until a site plan has been approved by the Planning Commission and is in effect.

- a. The applicant shall submit a site plan pursuant to the standards and procedures set forth in Section 30.01, Site Plan Review Procedures, of this Chapter.
- b. The site plan and any preliminary documents shall be submitted to the Township for review by the Township Attorney, Township Engineer, and other appropriate staff.
- c. The applicant shall submit detailed plans in accordance with Section 30.01.E to the Planning Commission.
- d. The Planning Commission shall approve, deny, or postpone the condominium site plans based upon conformance with all applicable laws, ordinances and design standards.
- e. The Planning Commission and/or Building Department, as a condition of approval of the site plan, may require the applicant to provide a performance guarantee as set forth in Section 30.09, Performance Guarantees, for the completion of improvements associated with the proposed use.
- f. Following approval of the site plan, the final Condominium Documents and detailed engineering plans shall also be submitted to the Township.
- g. Any condominium project containing more than five (5) units or more than two (2) acres of land shall also be submitted to the Township Board for review and approval.
- h. Outside Agency Approval: The applicant shall be responsible for forwarding a copy of the approved condominium plan to all applicable State, County, and local agencies having jurisdiction over specific aspects of the condominium project, such as wetlands, storm drainage, soil erosion and sedimentation, and utilities. The outside agency approval may include one or more of the following:

- Road Commission for Oakland County



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- Oakland County Drain Commissioner
- Oakland County Health Department
- Michigan Department of Environmental Quality

All necessary permits or approvals from applicable outside agencies shall be received prior to issuance of any building permits by the Township.

- i. The Planning Commission may require review of final condominium documents, including but not limited to the Master Deed and/or Exhibit B drawings, before granting approval of the condominium site plan.

**4. Required Improvements.**

- a. All design standards and required improvements that apply to a subdivision, under Ordinance No. 27, Subdivision Regulations, adopted by the Township Board, shall apply to any condominium development.
- b. Each condominium unit shall be connected to an approved water and sanitary sewer system. Utility standards stated in Building Code shall apply to all condominium units proposed for location on any property that is not subdivided and recorded, or any property that is to be further subdivided.
- c. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer: cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Planning Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

- d. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall declare easements to the Township for all public water and sanitary sewer lines and appurtenances.
  - e. All improvements in a site condominium shall comply with the design specifications as adopted by the Township and any amendments thereto.
- 5. Information Required Prior to Occupancy.** Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Building Department:
- a. A copy of the recorded Condominium Documents (including exhibits).
  - b. A copy of any recorded restrictive covenants.
- 6. Revision of Site Condominium.** If the site condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

**30.01 Site Plan Review Procedures, Standards & Condominium Requirements**

Minor modifications may be approved administratively by the Planning & Zoning Director. Minor modifications shall include proposed changes which do not affect the character or intensity of the site, vehicular or pedestrian traffic, drainage patterns, or the demand for public services. *(amended 06.19.23)*

The Planning & Zoning Director shall determine if the proposed modifications are minor and in accordance with these guidelines. If the modifications are not deemed minor by the Planning & Zoning Director, then review and approval by the Planning Commission shall be required. *(amended 06.19.23)*

7. **Amendment of Condominium Documents.** Any amendment to a Master Deed or bylaws that affects the site plan, or any conditions of approval of the site plan, shall be reviewed and approved by the Township Attorney and Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the Master Deed or bylaws require corresponding changes in the site plan.
8. **Relocation of Boundaries.** Relocation of boundaries between adjoining condominium units, if permitted in the Condominium Documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Planning Commission. These requirements shall be made a part of the bylaws and recorded as part of the Master Deed.
9. **Subdivision of Condominium Lot.** Each condominium lot that results in a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located, and shall be approved by the Planning Commission. These requirements shall be made a part of the condominium bylaws and recorded as part of the Master Deed.

**Section 30.02 – Special Land Use Procedures and Standards**

- A. **Intent.** These special land use procedures and standards are instituted to provide consistent and uniform guidelines for the Planning Commission to follow in arriving at any special land use decision over which it has jurisdiction. Special land uses are uses that may be permitted in a district, but only if certain specified conditions are met, and only after review and approval by the Planning Commission. The review procedures and conditions for approval are intended to provide protection for adjacent uses and ensure full compliance with the standards contained herein and other applicable local ordinances and State and Federal laws.
- B. **Procedures and Requirements.** The following procedures and requirements shall be complied with in the review and approval of special land uses:
  1. **Applicant.** The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall file the application for special land use approval with the Township. The applicant shall also have the option of a pre-application meeting with staff and consultants or the option of a brief pre-application review with the Planning Commission prior to submittal of a formal application. The scheduling of a brief review by the Planning Commission shall be subject to the availability of time on the agenda or determined by the Chairperson of the Planning Commission. *(amended 05.18.09)*
  2. **Issuance of Building Permit.** A building permit shall not be issued until the submitted special land use and subsequent site plan review (see Section 30.01) is approved by the Planning Commission in accordance with the procedures and standards set forth herein. *(amended 10.01.07)*
  3. **Application Forms and Documentation.** The application for special land use approval shall be made on such forms as shall be prescribed by the Planning Commission. The application shall be accompanied by the necessary fees and documents as provided herein. *(amended 05.18.09)*
  4. **Review Fees.** Fees for special land use review shall be established by resolution of the Township Board and set forth in the Township fee schedule.
  5. **Submission to Township.** The number of copies, as specified on the Special Land Use Application, as well as an electronic copy of the same, shall be submitted to the Planning Department, as well as an original of all

**30.02 Special Land Use Procedures and Standards**

documents at least four (4) weeks prior to a scheduled Planning Commission meeting to provide for review by the Fire Department, Water and Sewer Department, Building Department, Planner, Engineer, and determine Planning Commission meeting availability. The applicant shall also deliver one (1) copy of the special land use request to each of the following agencies (please see the special land use application for a list of addresses and whether hard copies or electronic submittals are required): *(amended 10.01.07, 05.18.09, 05.04.20, 06.19.23)*

- a. The Road Commission for Oakland County and/or Michigan Department of Transportation.
- b. The Oakland County Water Resource Commissioner's Office.
- c. The Oakland County Health Department.
- d. All applicable utility companies.

Proof of submission of the special land use request to each agency shall be provided to the Township at the time of application.

6. **Planning Commission Consideration.** *(amended 05.06.99, 08.06.07, 05.18.09)* After all application materials have been received and review fees paid, the application shall be reviewed in accordance with the following procedures:

- a. Upon receipt of an application, the Planning Commission staff shall coordinate the need for, and if applicable schedule a site walk with the Site Walk Committee of the Planning Commission.
- b. The Planning Commission staff shall coordinate and schedule a public hearing which shall be notified as follows:
  - 1) The Planning Commission shall publish a notice of receipt of the special land use application, including the date such application will be considered by the Planning Commission, and the date of the public hearing for a special land use in a newspaper which circulates in the Township, and shall send said notice by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Township.
  - 2) The notice shall be given not less than fifteen (15) days before the date of the public hearing.
  - 3) If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - 4) The notice shall:
    - a. Describe the nature of the special land use request.
    - b. Indicate the property which is the subject of the special land use request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the request and/or public hearing on the special land use request will be held.
    - d. Indicate when and where written comments will be received concerning the application.
    - e. The notice of receipt of a special land use application shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered for a special land use regardless of whether the property or occupant is located in the Township.

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30.02 Special Land Use Procedures and Standards

- c. Following the site walk (if applicable) and public hearing the special land use petition shall be considered by the Planning Commission. The Commission shall review the application materials for the proposed special land use in relation to applicable standards and regulations, and to identify revisions necessary to bring the plan into compliance. *(amended 01.16.86)*
  - d. If the Planning Commission determines that revisions are necessary to bring the special land use plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised plan. Following submission of a revised plan, the application shall be placed on the agenda of the next available meeting of the Planning Commission for further study. If, following review of the special land use application and plan, the Planning Commission determines that the application and plan are substantially in compliance with applicable standards and regulations, the Planning Commission may take formal action on the request.
7. **Applicant Representation.** The applicant or a designated representative must be present at all scheduled review meetings or consideration of the request will be tabled due to lack of representation.
8. **Planning Commission Determination.** The Planning Commission shall make the final determination on the application for special land use approval. Such determination shall be based on the requirements and standards of this Ordinance. In making the final determination, the Planning Commission shall consider the reports and recommendations from the Enforcement Officer, Water and Sewer Department, Township Planner, Township Engineer, Township Fire Chief, the Road Commission for Oakland County, the Oakland County Health Department, the Oakland County Drain Commission, appropriate utility companies, and the Michigan Department of Transportation, where applicable. The Planning Commission is authorized to approve, approve with conditions, or deny a request for a special land use, as follows:
- a. Approval. Upon determination of the Planning Commission that a special land use approval request is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted and a site plan application may be considered in accordance with Section 30.01. *(amended 10.01.07)*
  - b. Approval with Conditions. The Planning Commission may impose reasonable conditions with the approval of a special land use. The conditions may include provisions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
    - 1) Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
    - 2) Be related to the valid exercise of the police power, and purpose which are affected by the proposed use or activity.
    - 3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed shall be recorded in the record of approved action, and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. The conditions imposed shall be noted on an accompanying site plan. *(amended 10.01.07)*
  - c. Denial. Upon determination of the Planning Commission that a special land use request does not comply with standards and regulations set forth in this Ordinance, or otherwise will be injurious to the public

**30.02 Special Land Use Procedures and Standards**

- health, safety, welfare and orderly development of the Township, a special land use request shall be denied. In this case, "Denied" shall be written on the special land use plan and the reasons for denial shall be indicated, and one copy shall be provided to the applicant.
- d. The decision of the Planning Commission on a special land use application shall be incorporated into a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.
9. **Appeal of a Denial.** The applicant may appeal a denial of a special land use request by submitting a request to be placed on the agenda of the next regularly scheduled Township Board meeting. The Township Board shall review and may act upon any appeal of a denial made by the Planning Commission on a special land use request.
10. **Recording of Planning Commission and Township Board Action.** Each action taken with reference to special land use review, along with the grounds for such action and any conditions imposed, shall be duly recorded in the minutes of the Planning Commission and/or Township Board. After final action has been taken on the special land use request, one (1) copy of the special land use plan shall be retained in the Planning Commission files and an electronic copy shall be returned to the applicant. In the case of an appeal, one (1) copy shall be marked by the Township Board and forwarded to the Planning Commission. *(amended 06.19.23)*
11. **Completion of Site Design.** Following approval of a special land use request and subsequent site plan review application (see Section 30.01), a building permit may be obtained, subject to review and approval of the engineering plans by the Township Engineer and review of construction plans by the Building Department. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit. If site plan approval has not been sought within one (1) year of approval, the special land use approval becomes null and void and a new application for special land use review shall be required. The applicant may request one one (1) year extension of the special land use approval which may be approved by the Planning & Zoning Department. Any additional one (1) year extensions must be granted by the Planning Commission. *(amended 10.01.07, 05.18.09, 06.19.23)*
12. **Application Data Requirements.** The application and data requirements for special land use approval shall be the same as set forth in Section 30.01 (E) for site plan review. Detailed submittal of site engineering and utility information may be waived by the Planning Commission unless it is determined to be necessary in determining the appropriateness of the special use application. Other data as may also be required by the Planning Commission, Enforcement Officer, or Township Planner to review the special use application. *(amended 10.01.07)*
13. **Standards for Granting Special Land Use Approval.** The Planning Commission shall approve special land uses upon determination that the proposed use will comply with all applicable requirements of the Ordinance, applicable standards for specific uses, and the following general standards *(amended 10.01.07)*:
- a. **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated and maintained so as to be compatible with uses of adjacent land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
- 1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - 2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment, in relation to surrounding development.
  - 3) The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

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**30.02 Special Land Use Procedures and Standards**

- 4) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
  - b. **Compatibility with Master Plan.** The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the Orion Township Master Plan and shall promote the intent and purpose of this Ordinance.
  - c. **Public Services.** The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems, water and sewage facilities, and schools.
  - d. **Impact of Traffic.** The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
    - 1) Proximity and access to major thoroughfares.
    - 2) Estimated traffic generated by the proposed use.
    - 3) Proximity and relation to intersections.
    - 4) Adequacy of sight distances.
    - 5) Location of and access to off-street parking.
    - 6) Required vehicular turning movements.
    - 7) Provision for pedestrian traffic.
  - e. **Detrimental Effects.** The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be so located or designed, as to be detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.
  - f. **Enhancement of Surrounding Environment.** The proposed special land use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
    - 1) The provision of landscaping and other site amenities. Provision of additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.
    - 2) The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
  - g. **Isolation of Existing Land Use.** The location of the proposed special land use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed special land use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
- C. **Personal Wireless Service (PWS) Facilities.** In those instances where PWS Facilities may be permitted as a Special Land Use by the Planning Commission or Township Board, only the procedural provisions of Paragraphs (A) through (C) above of this section shall apply. *(amended 08.21.97)*

**30.02 Special Land Use Procedures and Standards**

- D. Required Signage. An applicant requesting a special land use, shall construct and install a sign indicating the requested special land use. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for special use consideration and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right of way, nor shall the sign obstruct clear vision for motorists. *(added 10.01.07, amended 05.04.20)*

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 ft. (vertical) by 6 ft. (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as found within the Special Land Use Application:
- Sign support system must be structurally sound and mounted with 4"x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30" below the surface. The bottom of the sign shall be no less than three (3') above the ground level.

Special Land Use signs shall be removed within:

- Seven (7) days of action by the Planning Commission.
- Seven (7) days of withdrawing special land use application.
- Failure to remove sign within this period may result in removal of the sign by the Township, following notice and an opportunity to cure, at the owner's expense.

The Planning Commission may waive or modify the requirement for special land use signage. A waiver may be requested where one (1) or more of the following factors exist:

- The proposed special use involves an expansion of an existing special land use.
- The proposed special use does not abut residential uses.
- The proposed special use will have limited impacts associated with traffic, noise, hours of operation or other site factors.
- Other factors as identified by the Planning Commission.

**Section 30.03 – Planned Unit Development (PUD)**

- A. Intent. A Planned Unit Development (PUD) may be applied for in any zoning district. The granting of a PUD application shall require a rezoning by way of amendment to this Ordinance upon the recommendation of the Planning Commission and approval of the Township Board. The procedure for rezoning is that which is authorized by the Zoning Enabling Act (Public Act 110 of 2006, as amended), as contained in Section 503.

It is the intent of this section to authorize the use of Planned Unit Development (PUD) regulations as an alternative to traditional subdivisions or other developments and for the purpose of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources, natural features and energy; encouraging innovation and greater flexibility in land use planning and design; providing enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of this Township; encouraging a less sprawling form of development; and ensuring compatibility of design and use between neighboring properties. The PUD is designed to give the Township and applicant more flexibility than would be allowed under the existing zoning, encouraging development of the property according to its unique characteristics.

The provisions of this section are not intended as a device for ignoring the Zoning Ordinance and specific standards set forth therein, or the planning upon which it has been based. To that end, provisions of this section are intended to result in land use development substantially consistent with the existing zoning and existing Charter Township of Orion Master Plan, with modifications and departures from generally applicable requirements made in accordance with standards provided in this section to ensure appropriate, fair, and consistent decision-making. Requirements stated in this section are development guidelines that the Planning Commission, Township Board and Township staff will use to determine the merits of a particular application. The Planning

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Commission may recommend variations from these guidelines when an applicant has demonstrated that doing so will result in a corresponding benefit to the community.

Approval of a PUD by the Township is optional and will be subject to a determination of compliance by the Planning Commission and Township Board. A PUD shall be reviewed for compliance to the standards contained within this Section of the Ordinance and will be used for possible approval or denial. *(added 05.18.09)*

The procedures for review of a PUD are specified in Section 30.03 (G), and can be processed as either a Minor or Major PUD. A minor PUD will be subject to the same standards and informational requirements as a major PUD. However, a Minor PUD will allow a concurrent review of a Concept Plan (Section 30.03 (G)(5) and a Final Plan (Section 30.03(G)(6)). *(added 01.22.13)*

B. Eligibility Criteria. To be eligible for Planned Unit Development (PUD) approval, the applicant shall demonstrate that the following criteria will be met:

1. **Recognizable Benefit.** The PUD will result in a recognizable and substantial benefit, both to the residents of the project and the overall quality of life in the Township. These benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as:
  - a. Preservation of natural features, specifically, but not limited to, woodlands, specimen trees, open spaces, wetlands, and hills.
  - b. Preservation of historic buildings.
  - c. Improvements in traffic patterns, including unified access and conformance with the access management section of the Ordinance.
  - d. Improvements in the aesthetic qualities of the development itself, such as unique site design features, extensive landscaping, and safety path/greenway connections.
  - e. Improvements in public safety or welfare through better water supply, sewage disposal, stormwater management, or control of air pollution and water pollution.
  - f. High quality architectural design.
  - g. Provision of transitional areas between adjacent residential land uses.

Economic benefit to the community shall not, by itself, be deemed sufficient to allow eligibility, but may be considered in conjunction with the benefits listed above. Preservation of natural features shall be deemed potentially the greatest benefit to the community.

Those benefits to the community that are concrete in nature, and therefore easily monitored, shall be listed on the plans and shall become part of the agreement between the Township and the applicant. Benefits that shall be listed shall include, but not be limited to, historic buildings and natural features to be preserved and specific improvements in water supply, sewage disposal, and stormwater management.

2. **Density Impact.** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in reaction to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact on the subject site and/or surrounding land and/or property owners and occupants and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impacts resulting from the PUD. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of a conventional development and the PUD plan to assist in making this determination (such as an overlay of the conceptual development plans on a natural features map, illustrating other site development options to



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demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand and services or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the PUD.

- 3. **Township Master Plan.** The proposed development shall be consistent with the intent and spirit of the Township Master Plan, and further its implementation. If the proposed development is not consistent with the Master Plan but there has been a change in conditions in the area in that will explain why the proposed PUD is a reasonable use of land, the Planning Commission can consider an amendment to the Master Plan and site plan approval for the proposed development in question.
- 4. **Economic Impact.** In relation to the existing zoning, the proposed development shall not result in a material negative economic impact upon surrounding properties, as determined by the Planning Commission.
- 5. **Guaranteed Open Space.** The proposed development shall contain at least as much usable open space as would otherwise be required by the existing zoning, or if no minimum standard is provided, the following shall apply:

Residential Uses	15% of the site
Non-Residential Uses	10% of the site

The usable open space shall include both active and passive upland spaces, while trails through the low lands/wetlands may be included in the calculation, provided all applicable permits are granted. However, the following are not considered usable open space:

- a. The area of any street right-of-way proposed to be dedicated to the public. This provision shall not preclude the future dedication of a private road easement to a public road agency.
- b. Wetlands, lakes or submerged lands (as defined in Ordinance No. 107, Wetland Protection).
- c. The required setbacks surrounding any structure, residential or otherwise, that is not located on an individual lot or condominium lot.
- d. Stormwater management facility, including detention, retention and sedimentation basins.

Amenities within the open spaces may include park-like amenities such as gazebos, seating areas, playscapes, etc., none of which may be serviced by utilities. All open space areas shall be equally available to all residents of the development.

The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township Supervisor and the land uses continue as approved in the PUD plan.

- 6. **Unified Control.** The proposed development shall be under single ownership and/or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- C. Project Design Standards. A proposed Planned Unit Development (PUD) shall comply with the following design standards:
- 1. **Location.** A PUD may be applied for within any zoning district.

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2. **Minimum Lot Size Without Public Sewer.** The minimum single-family residential lot size of any PUD that is not served by sanitary sewer and central water is 30,000 square feet or as permitted by the Oakland County Health Department.
3. **Permitted Uses or Combination of Uses.** A PUD is permitted for the following types of uses: single-family detached, attached residential dwellings, commercial uses, industrial uses, recreational uses, and mixed-use projects of the above stated land uses. For PUD's that propose to mix residential and commercial or multiple-family components, please refer to Section 30.03 (E).
  - a. Unless modified by the Planning Commission, the following standards herein apply: all residential dwellings and all non-residential buildings and structures shall meet the yard, lot width, and bulk standards required by Article XXVI, Schedule of Regulations, except that single-family attached dwellings may have zero (0) side lot lines, for those yards that abut interior lots.
  - b. Single-family projects that will contain a commercial or multiple-family component may be allowed by the Planning Commission and shall qualify under the standards of Section 30.03 (E).
4. **Plan Submittal.** Any application for a PUD shall be accompanied by three (3) plans: (1) a plan based on existing zoning at the time of application, (2) a density plan prepared in accordance with this section, and (3) a PUD plan. The density allowable within a PUD shall be determined through preparation of the density plan, which shall have the following requirements (*amended 05.18.09*):
  - a. The applicant shall prepare, and present to the Planning Commission for review, a density plan for the project that is consistent with State, County, and Township requirements and design criteria for a tentative preliminary plat or site condo, whichever is appropriate. The density plan shall meet all standards for lot size (as shown in Paragraph B below), lot width and setbacks as normally required under Article XXVI, public roadway improvements and private parks, and contain an area which conceptually would provide sufficient area for stormwater detention. Lots in the density plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality. All structures, buildings, parking lots, streets, roads and driveways shall be set back twenty-five (25) feet from any wetland boundary as defined in Article II and Section 27.17 while decks shall be setback ten (10) feet from the same boundary. (*amended 09.17.07*)
  - b. The density plan shall contain the following elements:
    - 1) Layout of roads and rights-of-way.
    - 2) Lot lines.
    - 3) Wetland boundaries, submerged lands.
    - 4) Floodplains.
    - 5) Lot numbers and a schedule of lot areas.
    - 6) Areas proposed for stormwater management.

The density plan shall be drawn at a scale not greater than 1"=100'.
  - c. The density plan shall be prepared with the following minimum lot areas. The density plan is only used to determine allowable density for a PUD project. A density credit may be granted in addition to the provisions of this subsection if the development qualifies under Section 30.03 (E), with the exception of stand-alone commercial and industrial projects.

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Underlying/ Existing Zoning District	Zoning Ordinance Minimum Lot Size (acres/square feet)	Density Plan Minimum Lot Size (acres/square feet)
SF	2.5 acres	2.5 acres
SE	1.5 acres	1.5 acres
SR	30,000 sq. ft.	30,000 sq. ft.
R-1	14,000 sq. ft.	14,000 sq. ft.
R-2	10,800 sq. ft.	10,800 sq. ft.
R-3	8,400 sq. ft.	8,400 sq. ft.
All other zoning districts – as recommended by the Planning Commission and approved by the Township Board		

- d. The Planning Commission shall review the design and determine the number of lots that could be feasibly constructed under the density plan. This number, as determined by the Planning Commission, shall be the maximum number of dwelling units allowable for the PUD project, shown on the PUD plan. The Planning Commission may recommend approval for a density credit for exemplary projects that meet the conditions outlined in Section 30.03 (E).
- e. Note that overall residential density shall be determined by use of the density plan using the underlying/existing zoning, corresponding lot sizes in the chart under Section 30.03 (C)(4)(c), above and/or the Township's Master Plan. The applicant may propose other underlying zoning categories for the consideration of density in the chart above. *(amended 12.18.06, 05.18.09)*

The ultimate density shall be recommended by the Planning Commission and determined by the Township Board and shall be based upon the underlying zoning and density credit (if applicable, per Section 30.03 (E)) or a density as designated by the Township's Master Plan. *(amended 12.18.06)*

- 5. **Public Services.** The proposed PUD shall not exceed the capacity of existing and available public services, including utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the PUD is completed.
- 6. **Base Zoning Regulations.** Unless specifically waived or modified by the Planning Commission and Township Board, all Zoning Ordinance requirements for the underlying zoning district, except for minimum lot area, and other Township regulations, shall remain in full force.
- 7. **Impact of Traffic.** The PUD shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
  - a. The access to major thoroughfares.
  - b. Estimated traffic to be generated by the proposed development.
  - c. Proximity and relation to intersections.
  - d. Adequacy of driver sight distances.
  - e. Location of and access to off-street parking.
  - f. Required vehicular turning movements.
  - g. Provisions for pedestrian traffic.

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A traffic study shall be submitted as part of the PUD consideration and verification of compliance with the standards for minimizing impacts of traffic.

8. **Regulatory Flexibility.** To encourage flexibility and creativity consistent with the PUD concept, the Planning Commission may recommend, and the Township Board may grant, specific departures from the requirements of the Zoning Ordinance as a part of the approval process. *(amended 05.18.09)*

Any regulatory modifications shall be approved through findings by the Planning Commission and Township Board that the deviations shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD plan may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a dimensional variance following final approval of the PUD, provided such variance does not involve alterations to the common elements as shown on the approved PUD site plan.

A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height, and setback regulations, off-street parking regulations, general provisions, or subdivision regulations that would otherwise be applicable to the uses and development proposed in the absence of this PUD section. This specification should include ordinance provisions from which deviations are sought, and the reason and mechanisms to be utilized for the protection of the public health, safety, and welfare, in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this Ordinance shall be considered.

9. **Compatibility with Adjacent Uses.** The proposed PUD shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which demonstrate due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
- a. The bulk, placement, and materials of construction of proposed structures.
  - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
  - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
  - d. The hours of operation of the proposed uses.
  - e. The provision of landscaping and other site amenities.
10. **Transition Areas.** Where the PUD abuts a single-family residential district, the Planning Commission and Township Board may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to a single-family residential area is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission may review the proposed transition area to ensure compatibility. The Planning Commission and Township Board may require that the transition area consist of one (1) or more of the following:
- a. A row of single-family lots or condominium sites similar to the adjacent single-family developments in terms of density, lot area, lot width, setbacks and building spacing.
  - b. Woodlands, natural features and/or a landscaped greenbelt sufficient to provide an obscuring effect.
  - c. Open or recreation space.
  - d. Significant changes in topography, which provide an effective buffer.

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11. **Architectural and Site Element Design.** Residential facades should not be dominated by garages. Where attached garages are proposed, at least fifty percent (50%) of the garages should be side-entry or recessed, where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the visual impact resulting from the close clustering of units allowed under these regulations. Building elevations shall be required for all structures other than single-family dwellings. *(amended 08.06.07)*

Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission and Township Board may require street or site lighting where appropriate.

12. **Access.** Direct access onto a county road or state highway shall be required to a PUD. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

13. **Internal Roads.** Internal roads within a PUD may be public or private.

a. Private roadways within a PUD shall meet the design requirements of the Township's Private Road Ordinance No. 60. The Planning Commission and Township Board may modify these requirements, if all of the following findings are made:

- 1) There is no potential for the road to connect with abutting land or to be extended to serve additional land in the future.
- 2) Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a modification to the private road standards.

b. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Planning Commission and Township Board.

c. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per residential dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy tree shall be provided on each side for every fifty (50) feet of road frontage. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

d. Additional requirements in regards to buffering/screening, greenbelts, and parking lot trees for non-residential projects may be required by the Planning Commission and Township Board and can be found in Section 27.05 of the Township Zoning Ordinance.

14. **Pedestrian Circulation.** The PUD plan shall provide pedestrian access to all open space areas from all residential/development areas, connections between open space areas, public thoroughfares and connections between appropriate on-site and off-site uses. Trails within the PUD may be constructed of gravel, wood chips or other similar materials, but the Planning Commission and Township Board may require construction of an eight (8) foot wide asphalt safety path through portions of the development. Safety paths are required along all public roads, as denoted in the Master Plan and detailed in the Safety Path Ordinance No. 97.

15. **Natural Features.** The development shall be designed to promote the preservation of natural resources and natural features, taking into consideration the local, state, and federal concern for the protection and preservation of natural resources and natural features, and taking into account the provisions and standards of the Township's Wetlands Protection Ordinance No. 107 and the Stormwater Management and Soil Erosion and Sedimentation Ordinance No. 139. If animal or plant habitats of significant value exist on the site, the

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Planning Commission and Township Board shall require that the PUD plan preserve these areas in a natural state and adequately protect them as conservation easements of limited access areas. The Planning Commission and Township Board shall also require a minimum of a twenty-five (25) foot wide undisturbed open space setback from the edge of any lake, pond, river, stream or wetland; provided that the Planning Commission and Township Board may permit trails, boardwalks, observation platforms, or other similar structures than enhance the passive enjoyment of the site's natural amenities, within the setback. Additionally, the setbacks may be modified or waived upon demonstration of the appropriateness of a lower setback and compliance with one (1) or more of the following criteria (*amended 09.17.07*):

- a. demonstrated habitat preservation
- b. demonstrated water quality preservation
- c. demonstrated storm water quality retention
- d. existence of a legal lot of record

16. **Existing Structures.** When a tract contains structures or buildings deemed to be of historic, cultural or architectural significance, as determined by the Planning Commission and Township Board, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential or non-residential use or permitted accessory uses shall be encouraged.

17. **Additional Considerations.** The Planning Commission shall take into account, in considering approval or denial of a particular project, the following considerations, as the same may be relevant to a particular project: drainage and utility design; underground installation of utilities; insulating the pedestrian circulation system from vehicular thoroughfares and ways; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and noise reduction and visual screening of mechanical equipment.

**D. Non-Residential Project Design Standards.**

1. All design standards contained in Section 30.03 (C) are applicable where appropriate.
2. Non-residential uses shall always be separated and buffered from residential units in a manner consistent with good land use and community planning principles.
3. For non-residential developments, minimum lot area, lot size, building height, and placement shall be determined by the Board after review and recommendation of the Planning Commission. The Master Plan, the character of the area, and the previous zoning classification shall be reviewed before the Planned Unit Development (PUD) Concept Plan, density, setbacks, parking requirements, and the like are approved.
4. The Master Plan shall be reviewed to determine the overall lot density on the property and a compatible zoning district standard may be selected to set forth proper setbacks, lot coverage and lot widths. For all special uses, regulations applicable to the respective uses shall apply. The Township Board, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this Paragraph, deviations with respect to such regulations may be granted as part of the overall approval of the PUD, provided there are features or elements deemed adequate by the Township Board designed into the project plan for the purpose of achieving the objectives of this section.
5. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether an action is in the public interest, the benefit, which would reasonably be expected to accrue from the proposal, shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state, and national concern for the protection and preservation of the natural resources or features. To accomplish the desired balance, the following criteria shall be applied:

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- a. The availability of feasible and prudent alternative methods of completing the development;
  - b. The extent and permanence of the beneficial or detrimental effects of the proposed activity; and
  - c. The size, quality, and rarity of the natural resources or natural features that would be impaired or destroyed.
6. There shall be a perimeter setback and berming, as found to be necessary by the Township Board, for the purpose of buffering the development in relation to surrounding properties. If the PUD project includes non-residential uses adjacent to a district authorizing residential uses, a perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet, at the discretion of the Planning Commission and Township Board, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
  7. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
  8. Where feasible, there shall be underground installation of utilities, including electricity and telephone.
  9. In all cases, where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and roadways.
  10. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
  11. In all cases where non-residential uses abut residentially zoned or used property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls shall be employed. The Planning Commission and Township Board, at their discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent, the achievement of the screening objectives.

**E. Optional Provisions for Exemplary Projects.**

The Planning Commission and Township Board may allow an exemplary Planned Unit Development (PUD) to include one (1) or more of the following optional provisions. In order to qualify for an optional provision, the applicant shall demonstrate to the satisfaction of the Planning Commission and Township Board, that the proposed project exceeds the minimum standards for PUD eligibility under Section 30.03 (B).

In order to qualify for development under the optional provisions of this section, architectural standards shall be subject to review by the Planning Commission and Township Board. Buildings shall be harmonious with adjacent uses in terms of texture, materials, roof lines and mass, but there shall be a variation of front facade depth and roof lines to avoid monotony. Building elevations shall be required for all structures.

1. **Density Credit.** A variable density credit may be allowed at the discretion of the Planning Commission and Township Board, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements (*amended 05.18.09*):
  - a. A high level of clustered development, where at least twenty percent (20%) of the PUD is common usable open space.
  - b. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
  - c. The proposed plan is designed to enhance surface water quality and ground water quality.

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- d. Provisions and design that preserve natural features.
  - e. Donation or contribution of land or amenities that represent significant community benefit.
  - f. Other similar elements as determined by the Planning Commission and Township Board.
2. **Multiple-Family Component.** A PUD with a gross area of ten (10) acres or more may incorporate a multiple-family component, provided that all of the following are met (*amended 05.18.09*):
- a. **Front Yard.** The minimum building setback from an internal road shall be twenty-five (25) feet from the public street right-of-way or private road easement. The Planning Commission and Township Board may reduce the setback based upon a determination that off-street parking will be adequate, and that the modification will preserve natural features or that the rear yard buffer will be increased by one (1) foot for each one (1) foot of reduction in the front yard setback. In no instance shall the front yard setback be reduced below a minimum of fifteen (15) feet. Buildings that front on two (2) streets shall provide the required front yard setback from both streets.
  - b. **Rear Yard.** A minimum thirty-five (35) foot rear yard shall be maintained for all buildings. Where the rear of a building abuts the side or rear of another residential structure, the minimum spacing between the structures shall be the combined total of the two (2) setback requirements.
  - c. **Side Yards.** A thirty-five (35) foot setback shall be maintained to the side of all buildings. Where two (2) buildings are located side-by-side, twenty (20) feet shall be maintained between the buildings.
  - d. **Off-Street Parking Lots.** All off-street parking lots serving three (3) or more dwelling units shall provide a ten (10) foot wide greenbelt around the perimeter of the parking lot.
  - e. The building setback requirements may be varied provided they are specifically indicated on the PUD plan and the Planning Commission and Township Board determines the variation does not negatively impact adjacent properties and provides a recognizable benefit. Building setback requirements on the perimeter of the development shall not be reduced below thirty-five (35) feet.
3. **Commercial Component.** A PUD with a gross area of ten (10) acres or more may incorporate a commercial land use component, provided that all of the following are met:
- a. The commercial component shall be located on a lot of sufficient size to contain all commercial structures, parking, and landscape buffering. (*amended 05.18.09*)
  - b. All commercial uses shall be compatible with the residential area.
  - c. The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
  - d. All commercial structures are connected to a pedestrian access system servicing the project.
  - e. All parking and loading areas serving the commercial uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.
- F. **Project Standards.** In considering any application for approval of a Planned Unit Development (PUD) plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in Section 30.01, Site Plan Review, as well as the following standards and requirements:
1. **Compliance with the PUD Concept.** The overall design and land uses proposed in connection with a PUD



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plan shall be consistent with the intent of the PUD concept, as well as with specific design standards set forth herein.

2. **Compatibility with Adjacent Uses.** The proposed PUD plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
  - a. The bulk, placement, and materials of construction for the proposed structures.
  - b. Pedestrian and vehicular circulation.
  - c. The location and screening of vehicular use or parking areas.
  - d. The provision of landscaping and other site amenities.
3. **Impact of Traffic.** The proposed PUD shall be designed to minimize the impact of traffic generated by the PUD on surrounding uses.
4. **Protection of Natural Environment.** The proposed PUD shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.
5. **Compliance with Applicable Regulations.** The proposed PUD shall comply with all applicable federal, state, and local regulations.
6. **Township Master Plan.** The proposed PUD shall be consistent with, and further the implementation of, the Township Master Plan. If the proposed PUD is not consistent with the Master Plan, the Planning Commission and Township Board shall consider reasons for deviating from the Master Plan. This could include one (1) or more of the following:
  - a. Changes in surrounding land use or zoning.
  - b. Changes in infrastructure, such as roads, sewers, etc.
  - c. Community benefit.
  - d. Design excellence.

G. Procedures for Review and Approval. *(amended 01.22.13)*

1. **Pre-Application Conference.** Prior to the submission of an application for Planned Unit Development (PUD) approval, a pre-application conference may be held. The purpose of this conference shall focus on the PUD process and required information, as outlined in this section, and shall not constitute any form of official review and approval of the PUD project. Nor shall this conference in any way circumvent, replace, or supersede the review and approval powers of the Planning Commission and Township Board regarding the PUD application. The pre-application conference shall determine if a PUD can be considered for Minor or Major PUD procedures. The eligibility to apply for a Minor PUD shall be determined by an affirmative vote of the following individuals *(amended 01.22.13)*:
  - a. One member of the Planning Commission.
  - b. One representative of the Building/Planning Department.
  - c. Township Supervisor.

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The Planning Department (*amended 05.04.20*) shall, if requested, contact the requisite parties and schedule the meeting to be held in the Township Hall. In addition to the applicant and/or applicants representatives, the following persons may be in attendance: Township Zoning/Planning Administrator and/or Planning Coordinator, Building Official, Director of Public Works, Fire Chief, and Township Planning and Engineering consultants. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed PUD, as well as the following information:

- a. Total size of the project.
- b. A statement of the number of residential units, if any.
- c. The number and type of non-residential uses.
- d. The size of the area to be occupied by each type of use.
- e. The known deviations from ordinance regulations to be sought.
- f. The number of acres to be preserved as open or recreational space.
- g. All known natural features or historic features to be preserved.

During the pre-application conference, a prospective applicant may request that the PUD be considered as a Minor PUD. The Minor PUD will be subject to the same standards and submittal requirements as a Major PUD. However, a Minor PUD will allow a concurrent review of a Concept Plan (Section 30.03 (G)(5) and a Final Plan (Section 30.03 (G)(6)). (*added 01.22.13*)

Eligibility for a Minor PUD review shall be subject to the following guidelines (*added 01.22.13*):

- a. Proposed PUD uses, including single-use or mixed-use developments.
- b. Traffic impacts, including, traffic generation and level of service of existing road system.
- c. Impact on natural resources such as woodlands, wetlands, and natural areas.
- d. Potential impacts on adjoining property owners.

Township representatives attending the pre-application conference shall consider the request for a Minor PUD review and shall consider the above guidelines in determining eligibility for a Minor PUD. Township representatives shall then inform the prospective applicant if the project is eligible for Minor PUD consideration. (*added 01.22.13*)

If the Township representatives determine that the project is eligible for Minor PUD, a concurrent submittal of the Concept PUD plan (Section 30.03 (G)(5) and Final PUD plan (Section 30.03 (G)(6) shall be submitted. Eligibility for Minor PUD consideration shall not in any way imply or commit approval of the Final PUD by the Planning Commission or Township Board. (*added 01.22.13*)

2. **Informal Planning Commission Review.** A prospective applicant may also request a brief review with the Planning Commission regarding a proposed PUD. The scheduling of a brief review by the Planning Commission shall be subject to the availability of time on the agenda as determined by the Chairperson of the Planning Commission. (*added 05.18.09*)
3. **Signage.** An applicant requesting a PUD shall construct and install a sign indicating the requested PUD. The sign shall be in accordance with Section 30.04 (H) of the Zoning Ordinance. (*added 10.01.07*)
4. **Procedures.** The procedures for PUD approval are summarized in the PUD process flow chart found at the end of this section.

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5. **Concept Plan.** Following the optional pre-application conference, the applicant shall submit a Concept Plan and application for the proposed PUD.
  - a. **Information Required.** The Concept Plan for a PUD shall contain, at a minimum, the following information set forth below. Any of the following requirements may be waived by the Planning Commission when determined to be unnecessary, not applicable, or premature at this stage of review, given the nature, size, and scope of the development.
    - 1) A narrative description of the project, discussing the market concept of the project, and explaining the manner in which the criteria set forth for eligibility and design have been met.
    - 2) Provide evidence of compatibility with the Master Plan and the adjacent uses.
    - 3) An explanation of why the submitted PUD plan is superior to a plan that could have been prepared under strict adherence to related sections of this Ordinance.
    - 4) Applicant's name, address, and telephone number.
    - 5) The name of the proposed development.
    - 6) Common description of the property and complete legal description.
    - 7) Dimensions of land, including width, length, acreage, and frontage.
    - 8) Existing zoning and current land use of the property under consideration and zoning and current land use of all adjacent properties.
    - 9) General location of all existing structures, roadways, and natural features including, but not limited to, contours at two (2) foot intervals, lakes, streams, wetlands and/or other watercourses, specimen trees and/or stands of trees on and within one hundred (100) feet of the subject site.
    - 10) Name, address, city and phone number of the firm or individual who prepared the plan; and the owner of the property.
    - 11) Superimposed on the existing conditions drawing or by transparent overlay on such drawing or on a recent aerial photograph of the site, the general location of all proposed buildings, roadways, parking areas, and any other changes proposed to be made on the subject property. The drawing shall also indicate proposed preliminary spot grades in sufficient number to show the general intent of proposed grading, with emphasis on grading to be done in areas of existing natural features such as existing vegetation, trees, slopes or wetlands.
    - 12) Traffic studies, in accordance with Section 27.14, if required by the Planning Commission or Township Board.
    - 13) The density plan as set forth in Section 30.03 (C)(4).
    - 14) Layout of proposed structures, parking lots, landscaping, driveways and other site improvements.
  - b. **Submittal.** The Concept Plan, with the number of copies specified on the PUD Application, as well as an electronic copy of the same, shall be submitted to the Planning Department, as well as an original of all documents, and it shall be put on the next available Planning Commission agenda, provided the Township received it by noon at least four (4) weeks prior to the meeting. Upon submittal, the Planning Commission staff shall also set a date for the joint public hearing. *(amended 08.06.07, 05.18.09, 05.04.20)*

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- c. Site Walk. The Planning Commission staff shall coordinate the need for, and if applicable schedule a site walk with the Site Walk Committee or with all members of the Planning Commission. *(amended 05.18.09)*
- d. Consultant Review. The Planning Commission shall refer the Concept Plan to the Planning and Engineering consultants for review and comment. The plan shall be reviewed for compliance with the PUD requirements.
- e. Public Hearing. The Concept Plan shall be noticed for a joint public hearing before the Planning Commission and Township Board, in accordance with the procedures, public notice, and hearing requirements for rezoning approval as set forth in Section 30.04. If the number of Township Board members attending the public hearing constitutes a quorum, then the public hearing required by the Township Board (Section 30.03 (G)(6)(e)) shall be fulfilled and an additional public hearing at the Final PUD stage shall not be necessary. If the number of Township Board members attending the public hearing constitutes less than a quorum then only the public hearing of the Planning Commission shall be considered fulfilled and the Township Board shall fulfill its requirement to hold a public hearing at the Final PUD stage. If any Township Board member or Planning Commissioner is unable to attend the joint public hearing, they may submit written comments to the Township Clerk, who will read them into the minutes of the hearing. *(amended 08.06.07, 07.07.14)*

If, during the pre-application conference, the Township representatives determine that a Minor PUD may be submitted, the concurrent Concept Plan and Final Plan shall be noticed for a joint public hearing before the Planning Commission and Township Board, in accordance with the procedures, public notice, and hearing requirements for rezoning approval set forth in Section 30.04. If the number of Township Board members attending the public hearing constitutes a quorum, then the public hearing required by the Township Board (Section 30.03 (G)(6)(e)) shall be fulfilled and an additional public hearing by the Township Board shall not be necessary. If the number of Township Board members attending the public hearing constitutes less than a quorum, then only the public hearing of the Planning Commission shall be considered fulfilled and the Township Board shall fulfill its requirement to hold a public hearing separately. If a Township Board member or Planning Commissioner is unable to attend the joint public hearing, they may submit written comments to the Township Clerk, who will read them into the minutes of the hearing. *(added 01.22.13, amended 07.07.14)*

- f. Density Determination. Following the public hearing, the Planning Commission shall establish density, as provided by the yield calculated by the Density Plan, in the accordance with Section 30.03 (C)(4)(c).
- g. Planning Commission Action. Following the public hearing, or at a subsequent Planning Commission meeting, the Planning Commission shall review the Concept Plan and shall take one of the following actions *(amended 07.07.14)*:
  - 1) Approval. Upon finding that the Concept Plan meets the criteria set forth in the intent and this section, the Planning Commission shall recommend Concept Plan approval to the Township Board. Approval by the Township Board shall constitute approval of the uses, density, and design concept as shown on the Concept Plan and shall confer upon the applicant the right to proceed to preparation of the Final Plan. A recommendation of approval of the Concept Plan by the Planning Commission shall not bind the Township Board to approval of the Final Plan submittals.
  - 2) Approval with Changes or Conditions. The Planning Commission may recommend conditional approval to the Township Board, subject to modifications as performed by the applicant.
  - 3) Postponement. Upon finding that the Concept Plan does not meet the criteria set forth in the intent of this section, but could meet such criteria if revised, the Planning Commission may recommend to postpone action to the Township Board until a revised Concept Plan is submitted.

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- 4) Denial. Upon finding that the Concept Plan does not meet the criteria set forth in the intent of this section, the Planning Commission shall recommend denial of the Concept Plan to the Township Board.
- 5) Request Changes. If the Planning Commission request changes, the applicant shall submit the revised drawings and/or information within the time frame allotted. Failure to submit the revised plans and/or information within the requisite time frame shall void the request. *(amended 05.18.09)*
- h. Township Board Action. If the Concept Plan has been recommended for approval, recommended for approval with conditions, or recommended for denial by the Planning Commission, the Township Board shall take the following action *(amended 07.07.14)*:

Upon finding that the Planning Commission has issued a recommendation on the Concept Plan, the Township Board may approve, approve with conditions, or deny said Concept Plan. The Township Board may also refer the Concept PUD plan back to the Planning Commission with comments. Applicant may still submit a Final Plan in accordance with Section 30.03 (G)(6), regardless of action taken by the Township Board on the Concept Plan. *(amended 07.07.14)*

- i. Development Agreement. After approval of the Concept Plan by the Planning Commission, the Township shall instruct the Township Attorney to prepare a Development Agreement setting forth the conditions upon which such approval is based; which Agreement, after approval by the Township Board, shall be executed by the Township and the applicant and recorded in the Office of the County Register of Deeds. Approval of the Agreement shall be effective upon recording. *(amended 07.07.14)*
6. **Final Plan.** Following receipt of the Planning Commission comments on the Concept Plan, and action by the Township Board, the applicant shall submit a Final Plan and supporting materials conforming to this section. If a Final Plan is not submitted by the applicant for final approval within twelve (12) months of Township Board Concept Plan approval, the Concept Plan approval becomes null and void. The Planning Commission may, however, issue a waiver for greater periods of time if it is determined to be appropriate, as a condition of Concept Plan approval. Such extension and request of waiver shall be made prior to the expiration date.
- a. Information Required. A Final Plan and application for a PUD shall contain the following information:
    - 1) Applications for Final Plan approval shall include all of the data requirements for site plan review as specified in Section 30.01 (E) and Section 30.01 (F) of this Ordinance. *(amended 01.02.07)*
    - 2) Proposed acceleration, deceleration, and passing lanes.
    - 3) Depict which natural features are to be entirely preserved, which are to be modified or disturbed, and which are to be destroyed.
    - 4) Locations of existing culturally, historically, and architecturally significant structures.
    - 5) All parking areas and number of spaces, by size.
    - 6) The number and location of areas to be preserved as open or recreation space.
    - 7) Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and structures, and uses, with the acreage allotted to each use.
    - 8) General location and type of landscaping proposed (evergreen, deciduous, berm, etc.), noting existing trees and landscaping to be retained.
    - 9) Any additional graphics or written materials requested by the Planning Commission or Township Board, to assist the Township in determining the appropriateness of the PUD.

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- 10) If the applicant desires to build the PUD in phases, then the phasing plan shall be a part of the Final Plan submittal documents, in accordance with the following:

Since the benefits and impact of a development on the community shall be considered as a whole, the applicant shall seek Final Plan approval of the project in its entirety. Construction of the development may be proposed to be completed in phases provided that the project must be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. During construction or completion of initial phases, all future phases shall be maintained.

- 11) The PUD Master Deed, Bylaws, and Exhibit B (if applicable) shall be submitted for review and approval in conjunction with the Final Plan.
- 12) Easement and Rights-of-Way Instruments shall be submitted for review and approval in conjunction with the Final Plan.
- 13) A separate delineation of all deviations from this Ordinance that would otherwise be applicable to the uses and development proposed in the absence of this PUD section.
- 14) A utility master plan for the entire PUD site shall be provided which includes the location and size of all public and private utilities, utility services, storm sewers, basins, and necessary easements.
- 15) A specific schedule of the intended development and construction details, including phasing or timing.
- 16) A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- 17) A specification of the exterior building materials with respect to the structures proposed in the project.
- 18) Proposed street names as approved by the Township Fire Chief and the Road Commission for Oakland County.
- 19) Signatures of all parties having an interest in the property.
- b. Submittal. The applicant shall submit the Final Plan and application for a PUD to the Township Planning Department (*amended 05.04.20*) within twelve (12) months of Concept Plan approval, otherwise the Concept Plan approval becomes null and void. The Planning Commission may, however, issue a waiver for greater periods of time if it is determined to be appropriate, as a condition of Concept Plan approval. Such extension and request of waiver shall be made prior to the expiration date.

The Final Plan shall be put on the next available Planning Commission agenda, provided the Township received it by noon at least four (4) weeks prior to the meeting. (*amended 05.18.09*)

- c. Consultant Review. The Planning Commission shall refer the Final Plan, Master Deed, Bylaws, Exhibit B, and Easements and Rights-of-Way Instruments to the Building Department, Assessor's Office, Township Attorney, Planning and Engineering consultants for review and comment. The plan shall be reviewed for compliance with the Concept Plan approval and Section 30.03 (G)(5).
- d. Planning Commission Action. The Planning Commission shall review the Final Plan and shall take one of the following actions (*amended 07.07.14*):

**30.03 Planned Unit Development**

- 1) Approval. Upon finding that the Final Plan meets the criteria set forth in the intent of this section, the Planning Commission may recommend Final Plan approval to the Township Board. Approval of the Master Deed, Bylaws, Exhibit B, and Easements and Rights-of-Way Instruments shall be granted by the Building Department, Assessor's Office, Township Attorney, Planning and Engineering consultants.
  - 2) Approval with Changes or Conditions. The Planning Commission may recommend to the Township Board conditional approval, subject to modifications as performed by the applicant. These conditions may include review and approval of the Master Deed, Bylaws, Exhibit B, and Easements and Rights-of-Way Instruments by the Building Department, Assessor's Office, Township Attorney, Planning and Engineering consultants.
  - 3) Postponement. Upon finding that the Final Plan does not meet the criteria set forth in this intent of this section, but could meet such criteria if revised, the Planning Commission may recommend to postpone action to the Township Board until a revised Final Plan is submitted.
  - 4) Denial. Upon finding that the Final Plan does not meet the criteria set forth in the intent of this section, the Planning Commission shall recommend denial of the Final Plan to the Township Board.
  - 5) Request Changes. If the Planning Commission requests changes, the applicant shall submit the revised drawings and/or information within the time frame allotted. Failure to submit the revised plans and/or information within the requisite time frame shall void all prior approvals. *(amended 05.18.09)*
- e. Township Board Final Action. The Township Board shall schedule a public hearing in accordance with the procedures, public notice, and hearing requirements for rezoning approval as set forth in Section 30.04. The public hearing conducted by the Township Board may be part of the first or second reading for a PUD zoning amendment. If the public hearing for the PUD Concept stage has been noticed as a joint meeting and a quorum of the Township Board were present, there is no need for a second public hearing to be conducted by the Township Board. If the proposed development has been approved, approved with conditions, or denied by the Planning Commission, the Township Board shall take the following action *(amended 07.07.14)*:
- Upon finding that the Planning Commission has issued a recommendation on the Final Plan, the Township Board may approve, approve with conditions, deny or refer the Final Plan back to the Planning Commission. If approved the requirement for a Notice of Amendment Adoption described in Section 30.04 (G) shall also apply. *(amended 08.06.07, 07.07.14)*
- f. All actions on the Concept Plan or Final Plan by the Planning Commission and the Township Board shall state the reasons for approval, conditional approval, postponement, denial or referral back within the body of the motion. *(amended 07.07.14)*
  - g. Upon approval of the Final Plan, with any related conditions having been reviewed and approved, the Township may sign the final copy and direct the applicant to record the Master Deed with the County. Subsequent to filing the Master Deed with the County, the applicant may request release of the site's sidwell numbers from the Assessor, providing that all taxes and special assessments have been paid on the parent parcel. Upon release of the sidwell numbers, the Building Official will assign addresses and issue building permits.
  - h. Following approval by the Township Board, and the signing of the plans, the Building Department shall direct the Planning consultant to amend the Township zoning map to reflect the PUD approval by amending the zoning designation.

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**30.03 Planned Unit Development****7. Planned Unit Development (PUD) Conditions.**

- a. Reasonable conditions may be required by the Planning Commission and Township Board before the approval of a PUD, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. The conditions of approval may be drafted in writing, specifying conditions of approval and use. Conditions may stipulate that the PUD may only be used for selective land uses, provided the restraints advance, rather than injure, the interests of adjacent landowners; are a means of harmonizing private interests in land, thus benefiting the public interest; are for the purposes of ensuring that the PUD fulfills the purposes and intent of this section and thus, benefits the public interest; and/or possess a reasonable relationship to the promotion of the public health, safety, and welfare.
- b. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the PUD; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the written record of the Final Plan that shall include a site plan and written Development Agreement signed by the Township Supervisor and Clerk and the applicant.
- c. In the event that conditions set forth herein are not complied with, then the Supervisor shall have the right to compel a show cause hearing by the Planning Commission or issue a violation pursuant to Section 30.15 of this Ordinance. At the show cause hearing, additional conditions may be imposed by the Township and/or a new PUD application required.

**H. Phasing and Commencement of Construction.**

1. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development (PUD) and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the Township Board, after recommendation from the Planning Commission. Similarly, the schedule upon which any and all community benefits proposed in association with the development will be installed or otherwise become available shall be disclosed and determined to be reasonable at the discretion of the Township Board. The conditions regarding timing and phasing of community benefits as well as other PUD components shall be specified within the PUD agreement and may be attached to specified performance guarantees. *(amended 05.18.09)*
2. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following the date of Final Plan approval and shall proceed substantially in conformance with the schedule set forth by the applicant and in accordance with this Ordinance. If construction is not commenced within such time, any previous PUD plan approval shall expire and become null and void unless an extension is granted. An extension for up to one (1) year may be granted by the Planning Commission, upon good cause shown, if such request is made to the Planning Commission prior to the expiration of the initial period. Additional one (1) year extensions may also be granted at the discretion of the Planning Commission. Moreover, in the event the PUD plan approval has expired, a new application shall be required, and shall be reviewed according to existing and applicable law and ordinance provisions at the time of any subsequent submission. *(amended 05.18.09)*



**30.03 Planned Unit Development****I. Effect of Approval.**

1. If and when approved, the Final Plan for the Planned Unit Development (PUD), with any conditions imposed, shall constitute the land use authorization for the property, and all improvements and uses shall be in conformity with the approved plan. Subsequent to approval of the Final Plan, the Building Official shall not issue building permits or Certificates of Occupancy unless the Building Official determines that all subsequent working drawings and plans comply with the approved Final Plan and the Planning Commission's resolution of approval. However, once a PUD receives final approval, the Township shall not refuse to issue the necessary permits if the development proceeds in conformance with the approved plan, even though the PUD regulations and procedures may be changed or amended.
2. It shall be the responsibility of the applicant to obtain all other applicable Township, County, and State permits for all phases of the project prior to commencing any clearing, earthwork, or other site development related work.
3. Since eligibility for a PUD rests entirely upon proof of specific substantial benefits to the community, as well as to the applicant, these benefits shall be considered part of the contract between the Township and the applicant. The benefits agreed upon by the Township and the applicant shall be listed on the plans.

Any breach, such as modification, disturbance, or destruction of natural features designated to remain untouched, shall cause approval of the PUD to be held null and void and shall result in suspension of all permits issued until the breach has been remediated to a condition as close as possible to that designated in the PUD plan.

Alternatively, the applicant may, at his discretion, commence the approval process again from the beginning. In this event, however, the Township shall be under no obligation whatsoever to approve the new project. Approval shall be entirely at the discretion of the Township, which may impose additional conditions on the applicant.

**J. Modifications of Approved Final Plans. Approved Final Plans for a Planned Unit Development (PUD) may be modified in accordance with the procedures set forth in Section 30.03 (F) and under the following conditions:**

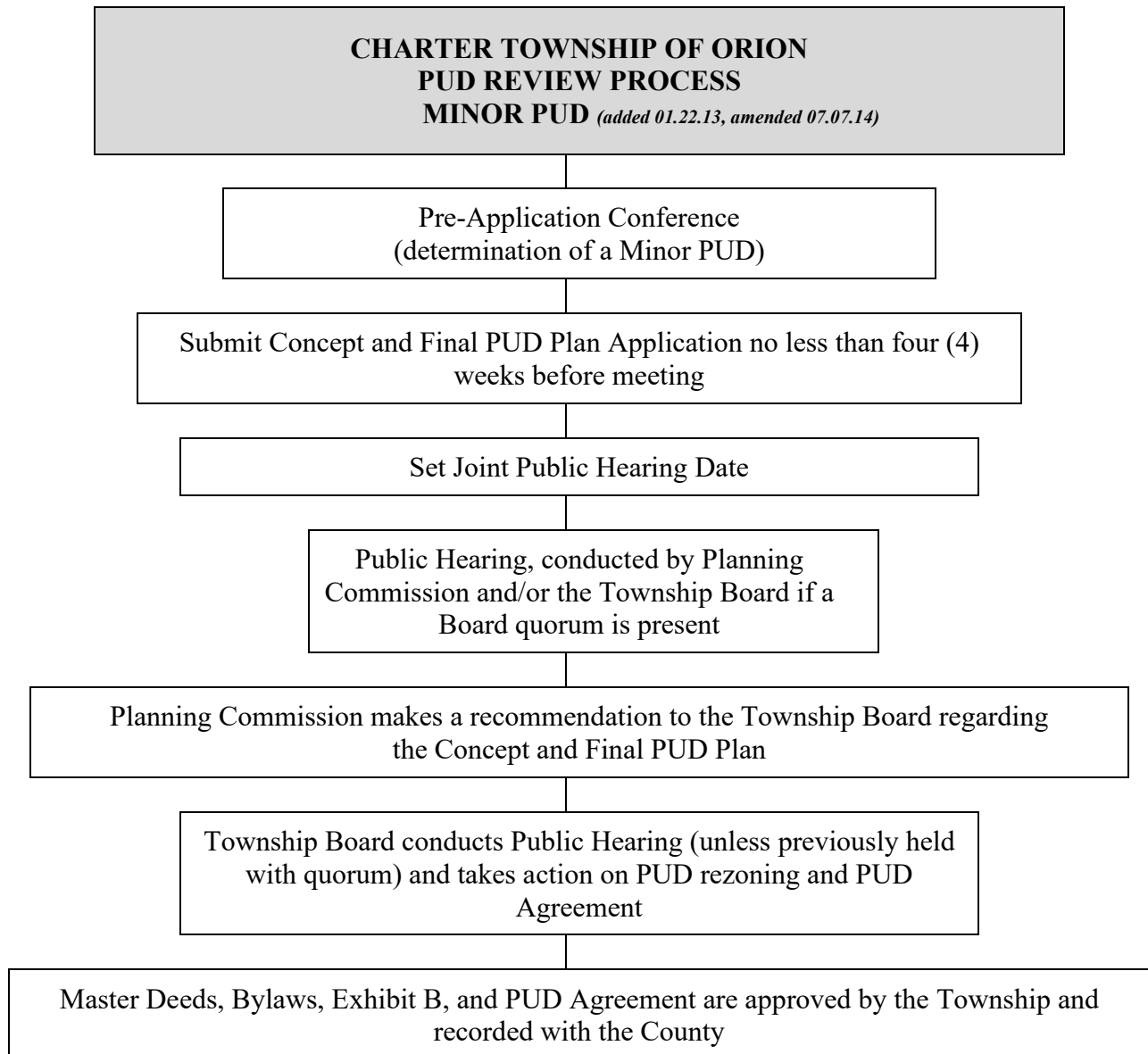
1. **Minor Modifications.** Minor changes may be permitted by the Planning Commission, following normal site plan review procedures outlined in Section 30.01 (D), subject to its finding that:
  - a. Such changes will not adversely or substantially affect the initial basis for granting approval.
  - b. Such minor changes will not adversely or substantially affect the overall PUD, in light of intent and purpose of such development as set forth in Section 30.03 (A).
  - c. For residential buildings, the size of structures may be decreased, or increased by five percent (5%) provided that the overall density of units does not increase.
  - d. Square footage of non-residential buildings may be decreased, or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
  - e. Horizontal and/or vertical elevations may be altered by up to five percent (5%).
  - f. Movement of a building or buildings by no more than ten (10) feet.
  - g. Designated "areas not to be disturbed" may be increased.
  - h. Plantings approved in the final PUD landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
  - i. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

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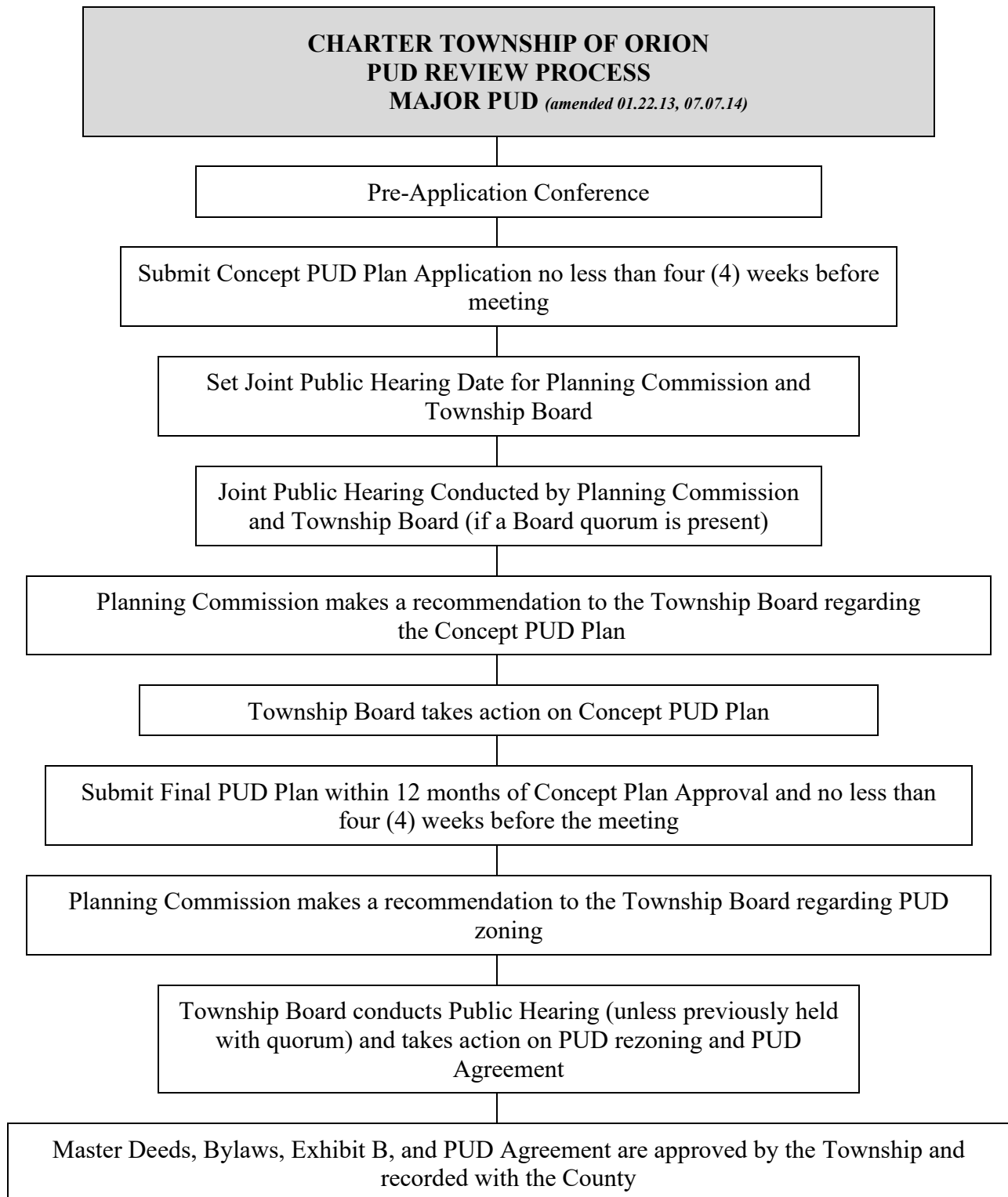
- j. Changes of building materials to another of higher quality.
  - k. Changes in floor plans which do not alter the character of the use.
  - l. Slight modification of sign placement or reduction of size.
  - m. Relocation of sidewalks and/or refuse storage stations.
  - n. Internal rearrangement of parking lots that does not affect the number of parking spaces or alter access locations or design.
  - o. Changes required or requested by the Township for safety reasons shall be considered a minor change.
2. **Major Modifications.** Modifications other than those noted above are considered major changes and will require a resubmittal to the Township and a new public hearing held. The procedures outlined in this section (30.03) shall apply in all such cases.

**K. Recording of Planning Commission and Township Board Actions *(amended 06.19.23)*.**

- 1. Each action taken with reference to a Planned Unit Development (PUD) shall be duly recorded in the minutes of the Planning Commission and Township Board. The reasons for the action taken shall also be recorded in the minutes. After all steps in each phase of the review process have been completed, one (1) copy of the PUD plan shall be retained in the Planning Commission files and an electronic copy shall be returned to the applicant. *(amended 05.18.09)*:
- 2. The PUD Agreement shall be filed with the Oakland County Register of Deeds.



30.03 Planned Unit Development



**30.04 Amendments to the Zoning Ordinance****Section 30.04 – Amendments to the Zoning Ordinance**

- A. Initiation of Amendment. Text amendments may be proposed by any governmental body or any interested person or organization. Map amendments may be initiated by any governmental body or any persons having a freehold interest in the subject property, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest entitled to exclusive possession or which is specifically enforceable.
- B. Application for Amendment. *(amended 01.24.85, 08.06.07, 11.07.11, 05.04.20)* An application for an amendment to this Ordinance, whether it is a text amendment or an amendment to change the zoning classification of a particular property, shall be filed with the Planning Department on such forms and accompanied by such fees as may be specified by the Township Board. The application and any supporting documentation shall be forwarded by the Planning Department to the Planning Commission for study and recommendation.
1. Each application for an amendment to change the zoning classification of a particular property shall include statements addressing the following: *(amended 05.22.97)*
    - a. An explanation of why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.
    - b. An explanation of why the existing zoning classification is no longer appropriate.
    - c. An explanation of why the proposed rezoning will not be detrimental to surrounding properties.
  2. Applications for amendments that are intended to change the zoning classification of a particular property shall be accompanied by a plot plan, and description of the zoning request. Information required shall include the following: *(amended 11.07.11)*
    - a. Applicant's name, address, and telephone number.
    - b. Scale of plot plan, northpoint, and dates of submission and revisions.
    - c. Zoning classification of petitioner's parcel and all abutting parcels.
    - d. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site. Aerial imagery or photographs with parcel data/or property lines should be submitted.
    - e. Existing use of the property.
    - f. Right-of-way widths of all abutting streets and alleys.
    - g. Tax parcel identification number and/or legal description with acreage calculation.
    - h. Listing of all existing street addresses within the property.

If any of the items listed are not applicable to a particular plot plan, the applicant shall specify on the plot plan which items do not apply, and furthermore, why the items are not applicable.
  3. Additional Information Requirements. The Planning Commission or Building Department may require additional items of information which are pertinent to the analysis of a zoning map amendment. This information includes the following: *(added 11.07.11)*
    - a. Listing of known easements, including utility easements, drainage easements, etc.
    - b. Information regarding existing sanitary systems and/or septic systems and adequacy or feasibility of service.

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- c. Information regarding existing water mains, well sites, and adequacy or feasibility of service.
  - d. The location of regulated wetlands or floodplains.
  - e. A Traffic Impact Study (see 27.14.C.2) *(added 05.04.20)*
- C. Evaluation by the Township. The Charter Township of Orion shall base its decision regarding a zoning map amendment upon findings of fact and review of the criteria contained in Section 30.04 (D) (4). The Township shall also evaluate a rezoning request based upon the information provided by the applicant as required by this section, including information pertaining to utilities such as water and sanitary service, natural features such as wetlands, and easements. It is the responsibility of a rezoning applicant to fully investigate the feasibility for development. It is also the responsibility of the applicant to fully understand all possible site development constraints, including but not limited to wetlands, floodplains, easements, and on-site utilities. A successful rezoning does not necessarily guarantee or commit the Township to provide full extension of utility services such as water and sanitary sewer service to those sites or parcels without these services. *(added 11.07.11)*
- D. Action by the Planning Commission. *(amended 08.06.07)*
1. **Public Hearing.** The Planning Commission shall hold at least one (1) public hearing on each application for an amendment at such time and place as shall be established by the Planning Commission.
  2. **Notice of Public Hearing.**
    - a. Notice of the public hearing shall be published in a paper of general circulation in the Township. In addition, written notice must also be sent by mail or personal delivery to the owners of the property for whom approval is being considered, and to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or structure is located within the Township. Notice must be given not less than fifteen (15) days prior to the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. In addition, notice must also be given to each electric, gas and pipeline utility company, any telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Clerk for the purpose of receiving such notice.
    - b. The notice shall do all of the following:
      - 1) Describe the nature of the request.
      - 2) Indicate the property that is the subject of the request. The notice must include a listing of all street addresses within the property. If there are no street addresses, other means of identification may be used.
      - 3) State when and where the request will be considered.
      - 4) Indicate when and where written comments will be received concerning the request.
      - 5) Finally, the notice must also include the places and times at which the proposed text and any maps of the amendments may be examined.
    - c. If the proposed amendment involves the rezoning of eleven (11) or more parcels, the notice need not be sent to owner(s) of the property in question, nor are three hundred (300) feet notices required. Also, individual addresses need not be included in the Notice.
  3. **Submission for Approval.** For parcels which share a common boundary with a neighboring community, following the hearing, the Planning Commission shall submit the proposed amendment to the Oakland County Coordinating Zoning Committee for review and recommendation. If the recommendation of the

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County Planning Commission has not been received by the Township within thirty (30) days, it shall be conclusively presumed that the County has waived its right for review and recommendation.

4. **Findings of Fact and Recommendation of the Planning Commission.** *(amended 05.22.97)* Following the public hearing, the Planning Commission shall transmit a summary of comments received at the public hearing and the proposed Ordinance amendments, including any maps and recommendations make written findings of fact and transmit same, together with its recommendation, to the Township Board. The Township Board may hold additional hearings if the Township Board considers it necessary, or if requested.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning Commission shall make findings based on the evidence presented to it with respect to the following matters:

- a. The objectives of the Township's Master Plan.
- b. Existing uses of property within the general area of the property in question.
- c. The zoning classification of property within the general area of the property in question.
- d. The suitability of the property in question to the uses permitted under the existing zoning classification.
- e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.

E. Action by the Township Board. *(amended 08.06.07)*

1. After receiving a Zoning Ordinance amendment from the Planning Commission, the Township Board may hold a public hearing if it considers it necessary, or if requested.
2. Notice of a public hearing by the Township Board shall be given in the same manner as required under Section (D)(2), above.
3. The Township Board may refer any proposed amendments to the Planning Commission for consideration within a time specified by the Board.
4. The Township Board shall grant a hearing on a proposed ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.
5. After the public hearing, if held, the Township Board shall consider and vote on the adoption of the amendment, with or without modifications. Notice of the meeting at which the Township Board shall consider for approval an amendment to the Zoning Ordinance shall be given as follows:
  - a. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, notice of the request shall be published in a newspaper of general circulation in the Township. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located in the Township. The notice shall be given not less than fifteen (15) days before the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall do all of the following:
    - 1) Describe the nature of the request.
    - 2) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.

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- 3) State when and where the request will be considered.
- 4) Indicate when and where written comments will be received concerning the request.
- b. If eleven (11) or more adjacent properties are proposed for rezoning, the Township Board shall give notice of the proposed rezoning in the same manner as required under Section (5)(a), above, except that no individual addresses are required to be listed under Section (5)(a)(ii).
6. A Zoning Ordinance amendment shall be considered approved upon a majority vote of the members of the Township Board.
7. A Zoning Ordinance amendment shall take effect upon the expiration of seven (7) days after publication, as required below.
8. An amendment to the Zoning Ordinance for purposes of confirming a provision of the Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and the notice of adopted amendment published without referring the amendment to any other Board, Commission, or agency provided for under this Ordinance.
- F. Effect of Denial of Amendment. No application for a map amendment which has been denied by the Township Board shall be re-heard unless there have been changes in the facts, evidence, and/or conditions in the case. Determination of whether there have been such changes shall be made by the Planning Commission at the time the application is submitted for processing. *(amended 08.15.85)*
- G. Notice of Amendment Adoption. Following adoption of a Zoning Ordinance amendment by the Township Board, the Zoning Ordinance amendment shall be filed with the Township Clerk, and a notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:
  1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
  2. The effective date of the ordinance amendment.
  3. The place and time where a copy of the ordinance may be purchased or inspected.
- H. Required Signage. An applicant requesting a zoning map change, or PUD, shall construct and install a sign indicating the requested change of zoning. The sign shall be installed no less than fifteen (15) days prior to the scheduled public hearing. The sign shall be installed on the parcel(s) requested for rezoning and shall be clearly visible from an adjoining roadway. The sign shall not be placed within a public right of way, nor shall the sign obstruct clear vision for motorists. *(added 10.01.07, amended 05.04.20)*

The sign shall comply with the following sign specifications:

- Black letters on white background.
- Size: minimum 4 ft. (vertical) by 6 ft. (horizontal).
- Signs face must be exterior plywood, aluminum, or similar material.
- Wording shall be as found within the Rezone Application:
- Sign support system must be structurally sound and mounted with 4"x4"s or "u" channel steel posts. The posts shall be set in the ground at least 30" below the surface. The bottom of the sign shall be no less than three (3') above the ground level.

Rezoning or PUD signs shall be removed within:

- Seven (7) days of approval by Township Board.
- Seven (7) days of withdrawing rezoning or PUD application.



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- Seven (7) days of denial of rezoning request or PUD request by Township Board.
- Failure to remove sign within this period may result in removal of the sign by the Township, following notice and an opportunity to cure, at the owner's expense.

**Section 30.05 – Conditional Rezoning** *(added 07.06.09, 11.01.16)***A. Intent.**

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

**B. Application and Offer of Conditions.**

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. The offer shall be contained in a proposed Conditional Rezoning Agreement, as described in this section, below. This offer or any additional offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process; however, the offer shall in all events be considered by the Planning Commission prior to being acted upon by the Township Board.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section. Prior to submission of a formal application, applicants are encouraged to request and attend pre-application meetings with the Township staff.
3. The owner's offer of conditions may not authorize uses or development not permitted in the requested new zoning district. The owner must state in the application the new zoning district under which the conditional rezoning will be reviewed and evaluated.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
5. Conditional rezoning shall not alter any of the various zoning requirements for the uses in question, i.e., parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of section 30.07 of this Zoning Ordinance and can be obtained by separate application only after the conditional rezoning has been approved by the Board of Trustees, unless specifically allowed in advance by the Board of Trustees.
6. Any use or development proposed as part of an offer of condition that would require site plan approval under the terms of this ordinance may only be commenced if a site plan is ultimately granted in accordance with the provisions of this ordinance, if necessary.
7. Any use or development proposed as part of an offer of conditions that would require special land use approval under the terms of this Ordinance may only be commenced if special land use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request,

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then the rezoning application may be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

9. In addition to the factors for rezoning found in Section 30.04 of this Ordinance, the deliberations of the Planning Commission and Township Board shall include, but not be limited to, the following:
  - a. Compatibility with the policies and uses designated for the land and area in the Township's Master Plan, or deviation from the Master Plan if the proposed development is compatible with the overall development, goals, character and/or needs of the Township.
  - b. Compatibility, or reasonable assimilation through offered conditions, with other uses in the surrounding areas considering the area as a whole and the overall development, goals, character and/or needs of the Township.
  - c. Availability and adequacy of public services and facilities, and whether there is likely to be any adverse impact from a development or use allowed under the rezoning with Conditional Rezoning Agreement; and
  - d. Whether the development that would be approved shall advance the public interest, weighing the reasonably expected burdens likely to result from allowing the development against the reasonably expected benefits to be achieved by the development.
- C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 30.05 B(9) of this ordinance, may recommend approval or denial of the rezoning.
- D. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request.

The Township Board may consider amendments to the proposed conditional rezoning application as offered by the applicant, and may deny the application, approve the conditional rezoning with or without offered amendments, or send the application back to the Planning Commission for further consideration. In the case of newly offered amendments to the proposed conditional rezoning and/or if a conditional rezoning request is referred back to the Planning Commission for further consideration the Township Board shall make a determination if a new public hearing shall be held.

E. Approval.

1. If the Township Board finds a rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a Conditional Rezoning Agreement. The Agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Conditional Rezoning Agreement, as initially submitted, or as may be modified during the course of the rezoning process, shall:
  - a. Be in a form recordable with the Register of Deeds for Oakland County or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner of the property giving notice of the Conditional Rezoning Agreement in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement and acknowledgement that the terms and conditions of the Conditional Rezoning Agreement shall run with the land and be binding upon and inure to the benefit of the property owner and the Township, and their respective heirs, successors, assigns and transferees;
  - d. Contain a specification of all conditions proposed by the land owner to be applicable to the use and development of the land, including the following to the extent relevant:

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- 1) The location, size, height or other measure for and/or of buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features.
  - 2) Permissible uses of the property, and a specification of maximum density or intensity of development and/or use, expressed in terms fashioned for the particular development and/or use, for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like.
  - 3) Preservation of natural resources and/or features.
  - 4) Facilities to address any relevant traffic, storm water and water quality issues.
  - 5) Provisions for maintenance of areas on the land, as relevant.
- e. Contain a statement acknowledging that the Conditional Rezoning Agreement, or an Affidavit or Memorandum giving notice thereof, may be recorded by the Township with the Register of Deeds of Oakland County.
  - f. Contain a statement acknowledging that the Township is not required to issue a certificate of occupancy until all conditions in the Conditional Rezoning Agreement have been met.
  - g. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that the Conditional Rezoning Agreement, as the same may have been modified during the rezoning process (if applicable) has been freely, voluntarily and knowledgeably offered by such owners, and agreed upon in its entirety. If the land owner is unable to sign this due to a lack of one or more conditions that are not voluntary, the land owner shall provide a notice to this effect with the Township Clerk before final action of the Township Board.
3. Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification, along with a designation that the land was rezoned with a Conditional Rezoning Agreement. The Township Clerk shall maintain a listing of all lands rezoned with a Conditional Rezoning Agreement.
  4. The approved Conditional Rezoning Agreement, or Affidavit or Memorandum giving notice thereof, shall be filed by the Township with the Register of Deeds of Oakland County. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe in which the conditions are to be satisfied, the recording of such document would be of no material benefit to the Township or to subsequent owners of land.
  5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Conditional Rezoning Agreement.
- F. Compliance with Conditions.
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Conditional Rezoning Agreement. Any failure to comply with a condition contained within the Conditional Rezoning Agreement shall constitute a violation of the Zoning Ordinance and shall be punishable accordingly. Additionally, any such violations shall be deemed a nuisance per se and be subject to judicial abatement as provided by law.
  2. No permit or approval shall be granted under the ordinance for any use or development that is contrary to an applicable Conditional Rezoning Agreement.
- G. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required

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permits must be commenced upon the land within six (6) months after the rezoning took effect, and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if:

1. It is determined to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
  2. The Township Board finds that there has not been a change in circumstance that would render the current zoning with Conditional Rezoning Agreement incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- H. Termination. If approved development and/or use of the rezoned land does not occur within the timeframe specified under Subsection G above, if the property owner makes a request in writing for termination of the Conditional Rezoning Agreement prior to making any improvements pursuant to the Conditional Rezoning Agreement, or if the land that is conditionally rezoned is thereafter rezoned, then the conditional rezoning and the Conditional Rezoning Agreement shall be deemed to be immediately terminated except in the Township's discretion as to that part of the land, if any, that has been developed. In the event of such termination, no new development or use of the land shall be permitted until a new zoning classification is approved by a rezoning of the land. Upon such termination, the Planning Commission shall immediately initiate the process to rezone the land in whole or in part to its prior or other appropriate zoning classification. The procedure for considering and adopting this rezoning shall be the same as applied to all other rezoning requests. Once the rezoning has occurred, the Township shall, upon request of the land owner, record with the Register of Deeds for Oakland County a notice that the Conditional Rezoning Agreement, except in the Township's discretion as to that part of the land, if any, that has been developed, is no longer in effect.
- I. Amendment of Conditions.
1. During the time period for commencement of an approved development or use specified pursuant to Subsection G or any extension granted by the Township Board, the Township shall not add to or alter the conditions in the Conditional Rezoning Agreement.
  2. The Conditional Rezoning Agreement may be amended in the same manner as was prescribed for the original rezoning and Conditional Rezoning Agreement.
- J. Township's Right to Rezone. Nothing in the Conditional Rezoning Agreement or in the provisions of this section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Conditional Rezoning Agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, MCL 125.3101, *et seq.*
- K. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's right under this ordinance.

**Section 30.06 – Appeals**

- A. Scope of Appeals. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Enforcement Officer, the Planning Commission, or other administrative officer or body charged with enforcement of this Ordinance, except that decisions or actions with regards to special land uses shall not be subject to appeal to the Board of Appeals. An appeal from any decision or action of the Enforcement Officer, the Planning Commission, or other administrative officer or body shall be taken not later than thirty (30) days after the start of construction or alterations or a change in use authorized by any permit or certificate issued by the Enforcement Officer, or within thirty (30) days after the decision or action complained of has been taken. Any petitioner shall appear in person or be represented by a duly authorized agent or attorney. (*amended 05.04.20*)
- B. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Enforcement Officer certifies to the ZBA, after the notice of appeal has been filed, that by reason of the facts

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stated in the appeal notice a stay would cause imminent peril to life and property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the circuit court, on application, and upon notification of the Enforcement Officer, and on due cause shown.

**C. Appeal Procedures.**

1. Appeals of any nature in which ZBA action is sought shall be commenced by a person filing an "Application for Appeal" on such forms and accompanied by such fee as may be specified by the Township Board. The Application for Appeal shall specify the grounds upon which the appeal is based and shall be signed. Applications involving a request for a variance shall specify the requirements from which a variance is sought and the nature and extent of such variance. Applications involving a specific site shall be accompanied by a plot plan prepared in accordance with the following standards: *(amended 01.24.85)*

a. Where the application involves a single-family residential use, the following information shall be included on all plot plans, where applicable:

- 1) Applicant's name, address, and telephone number.
- 2) Scale, northpoint, and dates of submission and revisions.
- 3) Zoning classification of petitioner's parcel and all abutting parcels.
- 4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site.
- 5) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- 6) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- 7) If any of the items listed are not applicable to a particular plot plan, the applicant shall specify on the plot plan which items do not apply, and furthermore, why the items are not applicable.

b. Where the application involves multiple-family or non-residential uses, the following information shall be included on all site plans, where applicable:

- 1) Applicant's name, address, and telephone number.
- 2) Scale, northpoint, and dates of submission and revisions.
- 3) Zoning classification of petitioner's parcel and all abutting parcels.
- 4) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within one hundred (100) feet of the site.
- 5) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
- 6) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- 7) Location of existing drainage courses, flood plains, lakes and streams, and woodlots.
- 8) All existing and proposed easements.
- 9) Location of sanitary systems and/or septic systems, existing and proposed.
- 10) Location and size of watermains, well sites, and building service, existing and proposed.

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- 11) Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plans.
  - 12) If any of the items listed are not applicable to a particular site plan, the applicant shall specify on the site plan which items do not apply, and furthermore, why the items are not applicable.
- c. Where an application involves a variance sought in conjunction with a regular site plan review, the application data requirements for site plan review as set forth in Section 30.01 (E) shall be complied with.

The Planning Department shall forward all Applications for Appeal, along with any supporting documents or site plans, to the ZBA. *(amended 05.04.20)*

2. The ZBA shall fix a reasonable time for the hearing of appeals. Notice of the hearing shall be published in a paper of general circulation in the Township. Notice shall also be sent to the applicant and owner of the property for which approval is being considered. Notice shall further be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located within the Township. Notice shall be given not less than fifteen (15) days before the appeal will be considered. The notice shall *(amended 01.16.86, 08.06.07, 05.04.20)*:
    - a. Describe the nature of the appeal.
    - b. Indicate the property which is the subject of the appeal. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the request will be considered.
    - d. State when and where written comments will be received concerning the appeal.
- D. Decision of the Zoning Board of Appeals. The ZBA shall thereafter reach its decision within sixty (60) days from the hearing of the appeal. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Enforcement Officer, Planning Commission, or other administrative officer or body, and may issue or direct the issuance of a permit. To that end, the ZBA shall have all the power of the officer or body from whom the appeal was taken. The decision of the ZBA shall be final; however, a person aggrieved by the decision of the Zoning Board of Appeals may appeal to the circuit court. *(amended 08.06.07)*
- E. Record of Appeal. The ZBA shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:
1. The relevant administrative records and the administrative orders issued thereon relating to the appeal.
  2. The notice of appeal.
  3. Such documents, exhibits, photographs, or written reports as may be submitted to the ZBA for its consideration.

The requisite written findings of fact, the decisions, orders, and conditions by the ZBA in disposing of the appeal shall be entered into the official record after they have been signed by the Chairman of the ZBA and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal and the Enforcement Officer. The Chairman shall, within ten (10) days after the date the ZBA has reached its final decision on an appeal, sign the necessary orders to effectuate the decision of the ZBA.

A copy of the official record of an appeal shall be made available for the parties to the appeal upon request and after the payment of such fee as may be specified by the Township Board.

**30.06 Appeals****Section 30.07 – Variances**

- A. Purpose. Where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would involve practical difficulties, within the meaning of this Ordinance, the Board of Appeals shall have power upon appeal in specific cases to authorize such non-use variation or modification of the provisions of this Ordinance with such conditions and safeguards as it may determine, as may be in harmony with the spirit of this Ordinance, and so that public safety and welfare be secured and substantial justice done. *(amended 08.06.07)*
- B. Application for Variance. An application for a variance shall be taken as specified for appeals to the Zoning Board of Appeals in Section 30.06.
- C. Standards for Variances. All non-use variances or modifications to the provisions of this Ordinance shall be granted only in accordance with the standards established in Michigan Public Act 110 of 2006, as amended, and based on the findings for each specific case that all of the following standards are met *(amended 08.06.07)*:
1. A finding of practical difficulty shall be made by the Board of Appeals in order to approve a non-use variance request.
  2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or class of uses in the same district or zone.
  3. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same zone and vicinity.
  4. That the granting of such variance or modification will not be materially detrimental to the public welfare or materially injurious to the property or improvements in such zone or district in which the property is located.

In addition, the Board of Appeals shall, prior to granting a variance or modification to the provisions of this Ordinance, make a determination that the proposed variance will not:

1. Impair an adequate supply of light and air to adjacent property, or
2. Unreasonably increase the congestion in public streets, or
3. Increase the danger of fire or endanger the public safety, or
4. Unreasonably diminish or impair established property values within the surrounding area, or
5. In any other respect, impair the public health, safety, comfort, morals, or welfare of the inhabitants of the Township.

In exercising their authority to grant variances or modifications to the provisions of this Ordinance, the Board of Appeals shall have the following responsibilities:

1. Where physical or cultural features on the ground are at variance with those shown on the official Zoning Map, the Board of Appeals shall interpret the district boundaries in accordance with the provisions of this Ordinance and in such a way as to carry out the intent and purpose of the plan embodied therein.
2. The Board of Appeals may permit the modification of fence, screening, automobile parking space, and/or loading requirements in specific instances where such modification is consistent with the purpose and intent of such requirements, and furthermore, is consistent with the standards and regulations concerning granting of variances, as set forth herein.
3. The Board of Appeals may permit the modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding

**30.07 Variances**

development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

4. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established herein and the objectives of this Ordinance.

**Section 30.08 – Interpretations**

- A. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance, a notice stating the time, date and place of the public hearing shall be published in a newspaper of general circulation in the Township, and shall be sent to the person requesting the interpretation not less than fifteen (15) days before the public hearing. If the request for an interpretation involves a specific parcel of land in the Township, then notice shall also be given as provided for in Section 30.06 (C)(2).

**Section 30.09 – Performance Guarantee** *(amended 12.05.22)*

- A. Intent. To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Township shall require that a performance guarantee be deposited with the Township Clerk, to ensure faithful completion of improvements.
- B. Improvements Covered by the Performance Guarantee. As used in this section, improvements include those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. Improvements shall include roadways, lighting, utilities, sidewalks, screening, parking areas, drainage, and similar features. Township requirements related to improvements such as record (as-built) plans, easements, maintenance and financial guarantees, and similar items, along with consultants' review time, shall also be included in the performance guarantee improvements. *(amended 09.04.01, 08.15.16)*
- C. Completion Agreement (PUD Agreement). For a Planned Unit Development under Section 30.03, or any development intended to be developed in more than one phase, the following shall be set forth in a completion agreement: the improvements to be covered by the performance guarantee, the amount required to guarantee completion of the improvements plus an administrative fee in an amount approved by the Township Board, and the time for completion of the improvement. The completion agreement shall be in a form and manner approved by the Township Attorney. *(added 08.06.07, amended 08.15.16)*
- D. Requirements. All performance guarantee, completion agreements, and development agreements (including PUD Agreements) shall meet the following requirements *(amended 08.06.07, 08.15.16, 12.05.22)*:
  1. The performance guarantee shall be in the form of a cash deposit, irrevocable bank letter of credit, certified check, or performance bond acceptable to the Township, which shall be deposited with the Township.
  2. The performance guarantee shall be submitted along with a fully executed completion agreement, if applicable, at the time of issuance of the permit authorizing the activity or project. The Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business. The fund shall not accrue interest.
  3. The amount of the performance guarantee shall be sufficient to cover fifty percent (50%) of the total estimated cost of improvements associated with a project for which site plan approval is sought, which amount shall be reviewed and approved by the Township Engineers, with the inclusion of an administrative fee payable as a separate fee, paid in cash, in an amount set by the Township's fee schedule (Ordinance No. 41). The only exception to this requirement shall be for projects located in the Industrial Complex (IC) District as set forth in Subsection D(3) below.
  4. Projects located within the Township's Industrial Complex (IC) District, as defined in Section 19.00, shall be governed by all provisions set forth in Section 30.09, with the exception of Subsection (D)(2), above.



**30.09 Performance Guarantee**

Instead, due to the increased cost and scope of projects located in the Industrial Complex (IC) District, the amount of the performance guarantee for such projects shall cover a percentage of the total estimated cost of improvements associated with a project for which site plan approval is sought, which may be less than fifty percent (50%) of the total estimated cost of improvements. The Total estimated cost of improvements associated with a project for which site plan approval is sought under this Section shall be approved by the Township Engineers, with the inclusion of an administrative fee. The percentage of the performance guarantee shall be recommended by Township Engineer and approved by the Township Board of Trustees.

5. The entire performance guarantee, without interest and less the ten percent (10%) detailed in Section 30.09 (D) (5) below, shall be returned to the applicant upon satisfactory completion of the required improvements within the time limits specified in this Ordinance. For a performance guarantee in the form of a cash deposit or irrevocable bank letter of credit, an applicant may request that the performance guarantee be partially returned prior to completion of the required improvements if Township Administration determines the improvements are at least fifty percent (50%) complete. If Township Administration determines the Applicant meets the foregoing requirement, it shall return a portion of the performance in an amount in reasonable proportion to the work completed on the required improvements. For a performance guarantee in the form of a bond, no reduction shall occur until the project or work for which the bond was required is one hundred percent (100%) complete and all fees and other obligations for the project to the Township are satisfied. The applicant is responsible to pay all costs and fees, including all consultant or third-party fees, related to the Township's determination of the reasonable proportion of the work completed.
  6. An amount not less than ten percent (10%) of the total performance guarantee shall be retained for a period of at least one (1) year after installation of landscape materials to ensure their proper maintenance and replacement, if necessary. This amount, without interest, shall be released to the applicant upon certification by the Planning and Zoning Department that all landscape materials are being maintained in good condition. For developments with landscaping intended to be installed in more than one phase, the Planning and Zoning Director may, at their sole discretion, release a portion of the ten (10%) percent of the performance guarantee after landscaping materials have been installed in at least one phase for a one (1) year period. The amount released shall be prorated based on the percentage of the total project (including all phases) which is completed at the time of review, as determined in the sole discretion of the Planning and Zoning Director.
- E. Unsatisfactory Completion of Improvements. Whenever required improvements are not installed or maintained in accordance with the standards or time limits of this Ordinance or as set forth in a completion agreement, the Township may complete the necessary improvements itself or by contract with an independent contractor, and assess all costs of completing said improvements against the performance guarantee or other surety. Prior to the completing of said improvements, the Township shall provide thirty (30) days' notice to the persons that provided the performance guarantee and the licensee or holder of the permit, certificate, or approval that required the performance guarantee. *(amended 08.06.07, 08.15.16, 12.05.22)*
- F. Default and Use and Disposition of Bonds *(added 12.05.22)*.
1. Bond Forfeiture. A bond shall be forfeited to the Township if: (i) a condition of the bond, or the Code, permit, certificate, or approval that required the bond, is not satisfied, and complied with at the deadline for that compliance, or (ii) if a licensee or holder of a permit, certificate, or approval fails to timely request a required Township compliance inspection or review. The application for the permit, certificate, or approval for which the bond was provided shall be deemed to have authorized the right of the Township by its employees, agents, consultants, and/or contractors to enter upon the property to determine whether the terms of any condition of the bond, or the Code, permit, certificate, or approval has been met.
  2. Before forfeiting a bond, the Township will provide at least thirty (30) days' written notice of its intention to do so to the persons that provided the bond, the principal, and any sureties on the bond, and the licensee or holder of the permit, certificate, or approval that required the bond. Such notice shall include the opportunity to cure the default in a time and manner specified in the notice to the persons that provided the bond and that obtained the Township permit, certificate, or approval. The proceeds of a forfeited bond shall be applied or held by the Township toward the cost of accomplishing or securing compliance with the conditions of the bond, Code, permit, certificate, or approval, and to cover the Township convenience fee in accordance with Sec. F(4) with any portions not needed for that purpose to be refunded to the source of the forfeited, drawn

**30.09 Performance Guarantee**

upon, or collected bond proceeds held by the Township. A notice given under this section may be provided by first class mail or other delivery to addresses provided to the Township.

3. If the bond proceeds are insufficient in amount to pay for the costs that are, or will be, incurred by the Township, the persons that provided the bond and/or that obtained the Township permit, certificate, or approval, shall be required to pay, and are liable to the Township, jointly and severally, for such additional amounts, which shall be paid within thirty (30) days of the Township's written notice of deficiency.
4. The Township may incur actual costs in exercising its rights to cure or satisfy a default and achieve compliance, as set forth herein. Any portion of the proceeds of a forfeited, drawn upon, or collected bond that remain after payment of: (i) all actual costs, (ii) the Township's administrative costs, (iii) an additional convenience fee of up to five percent (5%) of the total bond amount to cover costs for consultant reviews, and/or staff time to undertake review and enactment of the forfeiture in accordance with this Ordinance; and (iv) any actual attorney and consultant fees incurred by the Township; shall be refunded to the person who provided the bond funds that were used by the Township.
5. If a default on a requirement or condition of a bond, Code, permit, or certificate of approval is cured or satisfied, and compliance is achieved by persons other than the Township after a bond that has been forfeited or subject to draw or collection, then any bond proceeds that remain after payment of any actual attorney and consultant fees incurred by the Township, as well as administrative costs and convenience fees, shall be refunded to the source of the forfeited, drawn upon, or collected bond proceeds held by the Township.

**Section 30.10 – Fees**

Any application for an amendment to the text of this Ordinance, a special land use, a variance, site plan review, or other requested administrative action shall be subject to, and accompanied by, a fee as established by resolution of the Township Board.

There shall be no fee, however, in the case of applications filed in the public interest by the Township or any Township official.

**Section 30.11 – Permits to Construct, Move, Alter or Change Use**

- A. Application Requirements. The Enforcement Officer, or his duly appointed assistants, shall require that every application for a permit for construction, moving, alteration, or change of use of any structure shall be accompanied by a written statement and plans or plots drawn to scale showing the following in sufficient detail to enable the Enforcement Officer to ascertain whether the proposed work is in conformance with this Ordinance:

The actual shape, location and dimensions of the lot. If the lot is not a lot of record, a recorded survey and legal description must be provided, and a parcel identification number must be obtained.

The shape, size, elevation views, and location of all buildings or other structures to be erected, altered, or moved, and of any other buildings or other structures already on the lot.

The existing and intended use of the lot and of all structures upon it.

The location of all utilities, including water and sanitary sewer, serving the property.

Such other information concerning the lot or adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance are being observed.

- B. Preliminary Application. The Enforcement Officer may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work; and the Enforcement Officer may, on such preliminary submittal, take the formal action of tentative denial or tentative approval.

**30.11 Permits to Construct, Move, Alter or Change Use**

- C. Issuance of a Permit. If the proposed construction, moving, alteration, or change of use set forth in the application is in conformity with the provisions of this Ordinance, the Enforcement Officer shall issue a permit. If an application for such permit is denied, the Enforcement Officer shall state in writing on an appropriate form the reason for denial. The denial form shall be forwarded to the applicant. Issuance of a permit shall in no case be construed as waiving any provisions of this Ordinance.
- D. Valid Period of Permit. A building permit issued pursuant to the provisions of this Ordinance and/or the Orion Township Building Code shall be good for one (1) year from date of issue. Failure to begin work authorized by the permit within six (6) months from date of issue shall cause the permit to become null and void.
- E. Inspection of Completed Work. The holder of any building permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the Orion Township Building Official, or his designated representative, immediately upon completion of the work authorized by such permit for the necessary inspection. This provision includes the final inspection. After receiving a final approved inspection, an application shall be made in writing on forms furnished by the Orion Township Building Department for a Certificate of Occupancy.
- F. Temporary Use Permits. *(amended 03.09.00, 07.07.03, 02.16.10, 06.04.12, 01.06.14)*

Temporary use permits may be considered by the Township for the following uses:

Outdoor Display and Sales  
Open Air Business

**1. Initial Application and Procedures for Review**

a. Outdoor Display and Sales

- 1) Temporary use permits may be issued administratively by the Planning Department *(amended 05.04.20)* for Outdoor Display and Sales for the marketing of goods or products which do not exceed ten percent (10%) of the principal building area or greater than one thousand (1,000) square feet (whichever is less). This shall exclude Outdoor Display and Sales areas normally allowed as a principal use within the GB zoning district.
- 2) Outdoor Display and Sales shall only be conducted on a parcel of land owned or leased by the operators displaying and selling goods. Proof of ownership or lease shall be furnished to the Township upon request.

b. Open Air Business

- 1) The Zoning Board of Appeals shall have the authority to review and approve an Open Air Business involving seasonal display of goods such as Christmas trees, pumpkins, fireworks, etc. This shall exclude lumber yards, outdoor garden shops, or other outdoor sales normally allowed within permitted zoning districts.
- 2) Temporary use permits may be issued for Open Air Business. The Zoning Board of Appeals shall have the authority to specify conditions, including duration of use and hours of operation, in order to ensure compliance with this Ordinance. Property owners and residents within three hundred (300) feet of the zoning lot on which the proposed Open Air Business is to be located shall be notified at least fifteen (15) days in advance of the meeting at which the application for the temporary use permit will be considered.

**2. Required Conditions for Outdoor Display and Sales or Open Air Business**

- a. The temporary use for Outdoor Display and Sales or Open Air Business shall not occupy any essential parking spaces or maneuvering lanes associated with an on-site permanent use.

**30.11 Permits to Construct, Move, Alter or Change Use**

- b. To ensure the continued safety of the customers, when located adjacent to a vehicular traffic area, the temporary sales area for Outdoor Display and Sales or Open Air Business shall be fenced or provided with appropriate barriers to ensure pedestrian safety and pedestrian passageway with a minimum of five (5) feet of clearance. Materials shall be displayed no closer than ten (10) feet from building entrance doors.
- c. Access for Outdoor Display and Sales or Open Air Business shall be provided via a paved driveway.
- d. Dedicated parking areas for Outdoor Display and Sales and Open Air Business shall be provided and shall not extend over sidewalks or safety paths.
- e. Due to traffic safety concerns, no temporary sales for either Outdoor Display and Sales and Open Air Business shall be permitted at facilities dispensing flammable products such as vehicle fuels or propane.
- f. A sketch plan and floor plan, drawn to scale in a manner acceptable to the Building Department, showing location of the stand or tent, setback from the rights-of-way, distance to nearest building or structure, placement of fire extinguishers, all entrances and exits, storage areas, pedestrian traffic flow, parking areas and vehicular traffic flow, and nature of occupants of nearest buildings shall be provided in the application.
- g. Detailed information on the materials and wind load capability of the tent or stand to be erected on the site shall be provided in the application.
- h. Detailed information regarding the plan for storage of display items during booth open and closed hours shall be provided in the application.

**3. Additional Requirements for Open Air Business**

- a. All products for an Open Air Business shall be compatible with the permitted uses of the respective zoning district within which the site is located. The Zoning Board of Appeals may deny any application for temporary use if it is found that the proposed use is not consistent with the intent of the Zoning District in which the property is located or is incompatible with the permitted uses allowed within the Zoning Ordinance.
- b. Flammable products for such as fireworks shall be stored in accordance with National Fire Protection Association Standards (NFPA 1124, 2006) and as determined by the Fire Chief of the Charter Township of Orion.
- c. All signage shall comply with the requirements of the Charter Township of Orion Sign Regulations (Ord. No. 153). As a condition of approval for Open Air Business, the ZBA may impose more restrictive sign regulations than those sign regulations specified in Ordinance No. 153, where traffic safety or impacts to neighboring properties are a concern.
- d. The Zoning Board of Appeals shall deny a temporary use permit for Open Air Business if the requested temporary use is located one mile (5,280 ft) of similar Open Air Business use which sells the same or similar product.
- e. An Open Air Business shall only be conducted on a parcel of land owned or leased by the operators of the Open Air Business. Proof of ownership or lease shall be furnished to the Township upon request.
- f. An Open Air Business shall only be conducted on the following commercially zoned properties: RB, GB, BIZ or on non-residential institutional sites, such as churches or schools, within residential zoning districts.
- g. The above listed regulations for Open Air Business shall exclude a permitted agribusiness such as farm markets, fruit and vegetable stands as permitted in Section 5.02.

**30.11 Permits to Construct, Move, Alter or Change Use**

- h. A record of temporary use Open Air Business permits granted by the Zoning Board of Appeals shall be maintained by the Planning Department (*amended 05.04.20*). Each file shall include at least the following: the original application, the terms of approval of the initial application, and any written complaints received by the Township regarding the use.
- i. The Zoning Board of Appeals shall review the file for the temporary use/Open Air Business prior to a decision on renewal of a permit.
- j. The temporary use/Open Air Business shall not be transferable to another individual, entity or corporation.
- k. The owner of the property on which the temporary use/Open Air Business is requested shall jointly sign the application for temporary use or shall provide written permission for use of the property as a temporary use. The property owner shall jointly be responsible for all property clean up.
- l. The Open Air Business site and associated structures for sales or storage of goods shall not be used as living quarters or as a temporary dwelling.
- m. The Zoning Board of Appeals and or the Planning Department (*amended 05.04.20*) shall require a performance guarantee in the form of cash or letter of credit to insure compliance with the conditions of a temporary use permit for Open Air Businesses. (*amended 08.15.16*)

**4. Renewal Of Temporary Sales Permits**

- a. Once a temporary use permit for Open Air Business has been granted, the use may be reinstated only by way of a new application and review by the Zoning Board of Appeals in accordance with Section 30.11F.
- b. Renewal of Outdoor Display and Sales permits may be issued through the Planning Department (*amended 05.04.20*).

**Section 30.12 – Nonconformities**

All nonconforming uses, structures, sites, or lots shall be subject to the provisions set forth in Section 27.01 of this Ordinance.

**Section 30.13 – Certificates of Occupancy**

- A. Scope of Application. No building or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no vacant land shall be used for any purpose until a Certificate of Occupancy has been issued by the Enforcement Officer. No change in a use shall be made until a Certificate of Occupancy has been issued by the Enforcement Officer. Every Certificate of Occupancy shall state that the use of occupancy complies with the provisions of this Ordinance. Certificates of Occupancy, as required by the Orion Township Building Code, shall also constitute Certificates of Occupancy, as required by this Ordinance.
- B. Application. Applications for Certificates of Occupancy shall be submitted to the Enforcement Officer.
- C. Issuance of Certificates of Occupancy. Certificates of Occupancy shall be issued, if so requested by the owner, for existing buildings, structures, or parts thereof, or for existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such uses of land are in conformity with the provisions of this Ordinance.
- D. Accessory Buildings. A Certificate of Occupancy issued for a residential dwelling unit shall also cover any accessory building(s), provided that:
  - 1. The accessory building(s) is shown on the plot plan that is submitted with the application for a Certificate of Occupancy.

**30.13 Certificates of Occupancy**

2. The accessory building(s) is completed at the same time as the dwelling. This provision applies only to residential accessory buildings.
- E. Period of Validity. A Certificate of Occupancy shall remain in force for the life of the building, structure, or part thereof, or until the use of the building, structure or part thereof changes. A change of use shall require a new Certificate of Occupancy.
- F. Temporary Certificates of Occupancy. The Enforcement Officer and his designated assistants may, in their discretion, issue a temporary Certificate of Occupancy for a portion of a building or structure in process of construction, erection, or alteration, provided that such portion of the building, structure or premises is in conformity with the provisions of this Ordinance, including Section 27.02 (C). In addition to the requirements of the International Building Code, the following provisions shall govern the issuance of a temporary Certificate of Occupancy (*amended 08.06.07*):
1. Such certificate may be issued for a time period not to exceed six (6) months.
  2. Such certificate may be renewed only once for an additional six (6) months, provided that construction, erection, or alteration of the remaining portion of the building or structure is proceeding without delay.

**Section 30.14 – Records**

- A. The Orion Township Building Department shall maintain all permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, variances, appeals, special land uses, certificates of occupancy, and applications therefore.
- B. Every rule or regulation, order, requirement, decision, finding of fact, condition of approval, resolution, determination, or other transaction of business of the Planning Commission or Zoning Board of Appeals shall be duly recorded and filed as a public record in the Office of the Township Clerk.

A copy of any application, permit, certificate, transcript of a public meeting, or other item of the public record, may be obtained from the appropriate Township office upon payment of the per page copying fee as established by the Township Board.

**Section 30.15 – Violation and Penalties**

- A. Municipal Civil Infraction / Payment of Fine.

Any person, firm, or corporation violating a provision of this Ordinance, upon an admission or a finding of responsibility for such violation, shall be deemed responsible for a municipal civil infraction, as that term is defined and used in MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended, and shall pay a civil fine as prescribed by ordinance or as determined by the district court, district court judge, or district court magistrate.

- B. Costs.

A person, firm, or corporation ordered to pay a fine under Subsection (A) shall be ordered by the district court judge or magistrate to pay costs of not less than Nine Dollars (\$9) or more than Five Hundred Dollars (\$500), which costs may include all expenses, direct and indirect, to which the Township of Orion has been put in connection with the violation of the ordinance, up to the entry of the court's judgment or order to pay fine and costs.

- C. Additional Writs and Orders.

A person who admits or is found responsible for violation of this Ordinance shall comply with any order, writ, or judgment issued by the district court to enforce this Ordinance pursuant to Chapter 83 and Chapter 87 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

**30.15 Violation and Penalties****D. Default on Payment of Fines and Costs.**

A default in payment of a civil fine, costs, or damages or expenses ordered under Subsection (A) or (B), or an installment of the fine, costs, or damages or expenses as allowed by the court, may be collected by the Township of Orion by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, *et seq.*; MSA 27A.101, *et seq.*, as amended.

**E. Failure to Comply with Judgment or Order.**

If a defendant fails to comply with an order or judgment issued pursuant to this section within the time prescribed by the court, the court may proceed under Subsection (G).

**F. Failure to Appear in Court.**

A defendant who fails to answer a citation or notice to appear in court for a violation of this Ordinance is guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500) plus costs and/or imprisonment not to exceed ninety (90) days.

**G. Civil Contempt.**

1. If a defendant defaults in the payment of a civil fine, costs, or other damages or expenses, or installment as ordered by the district court, upon motion of the Township of Orion or upon its own motion, the court may require the defendant to show cause why the defendant should not be held in civil contempt and may issue a summons, order to show cause, or bench warrant of arrest for the defendant's appearance.
2. If a corporation or an association is ordered to pay a civil fine, costs, or damages or expenses, the individuals authorized to make disbursements shall pay the fine, costs, or damages or expenses, and their failure to do so shall be civil contempt unless they make the showing required in this subsection.
3. Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on their part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the amount due is paid.
4. If it appears that the default in the payment of a fine, costs, or damages or expenses does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment of each installment, or revoking the fine, costs, or damages or expenses.
5. The term of imprisonment on civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall be specified in the order of commitment and shall not exceed one day for each Thirty Dollars (\$30) due. A person committed for nonpayment of a civil fine, costs, or damages or expenses shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of Thirty Dollars (\$30) per day.
6. A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine, costs, or damages or expenses shall not be discharged from custody until one of the following occurs:
  - a. Defendant is credited with an amount due pursuant to Subsection (G)(5).
  - b. The amount due is collected through execution of process or otherwise.
  - c. The amount due is satisfied pursuant to a combination of Subdivisions (G)(6)(a) and (b).
7. The civil contempt shall be purged upon discharge of the defendant pursuant to Subsection (G)(6).

**30.15 Violation and Penalties****H. Lien Against Land, Building, or Structure.**

If a defendant does not pay a civil fine or costs or installment ordered under Subsection (A) or (B) within thirty (30) days after the date upon which the payment is due for a violation of this Ordinance involving the use or occupation of land or a building or other structure, the Township of Orion may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fine and costs with the Register of Deeds for Oakland County. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.

1. The lien is effective immediately upon recording of the court order with the Register of Deeds.
2. The court order recorded with the Register of Deeds shall constitute the pendency of the lien. In addition, a written notice of the lien shall be sent by the Township of Orion by first class mail to the owner of record of the land, building, or structure at the owner's last known address.
3. The lien may be enforced and discharged by the Township of Orion in the manner prescribed by its Charter, by the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1, 2211.157 of the Michigan Compiled Laws, or by an ordinance duly passed by the Township. However, property is not subject to sale under Section 211.60 of Act No. 206 of the Public Acts of 1893, being Section 211.60 of the Michigan Compiled Laws, for nonpayment of a civil fine or costs or an installment ordered under Subsections (A) or (B) unless the property is also subject to sale under Act No. 206 of the Public Acts of 1893 for delinquent property taxes.
4. A lien created under this section has priority over any other lien, unless one or more of the following apply:
  - a. The other lien is a lien for taxes or special assessments.
  - b. The other lien is created before the effective date of the amended ordinance that added this section.
  - c. Federal law provides the other lien has priority.
  - d. The other lien is recorded before the lien under this section is recorded.
5. The Township may institute an action in a court of competent jurisdiction for collection of the fines and costs imposed by a court order for a violation of this Ordinance. However, an attempt by the Township to collect the fines or costs does not invalidate or waive the lien upon the land, building, or structure.
6. A lien provided for by this subsection shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine or cost is recorded unless within that time an action to enforce the lien is commenced.



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**REPEAL**

The Zoning Ordinance (Ordinance No. 21) adopted by the Township of Orion on June 11, 1968, and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

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**EFFECTIVE DATE**

Public Hearing having been held herein, the provisions of this Ordinance are hereby effective, pursuant to the provisions of Section 11, of Act 184 of the Public Acts of 1943, as amended.

Made, passed, and adopted by the Board of Trustees of the Charter Township of Orion, Oakland County, Michigan, on this 2<sup>nd</sup> day of July, A.D., 1984.

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### Section 33.00 – Preamble

The Gingellville Village Center Overlay District encompasses the area as illustrated on the Charter Township of Orion Zoning Map. The purpose of the Gingellville Village Center Overlay District shall be to promote the development of the area in accordance with the Gingellville Village Planning and Design Guidelines in such a manner that will: maintain, preserve and enhance historic resources; allow for a mixed use concept of new development that advances the creation of a “Village”; arrive at a residential pattern which addresses both style and architecture appropriate for the area; and, develop a vehicular and pedestrian circulation pattern appropriate for a “Village” while recognizing current community and lifestyle issues.

### Section 33.01 – Principal Uses Permitted

All uses within the Gingellville Village Center Overlay District shall be restricted to those listed as either permitted principal uses and/or special uses in the underlying zoning district or those uses listed as approved as a separate Planned Unit Development.

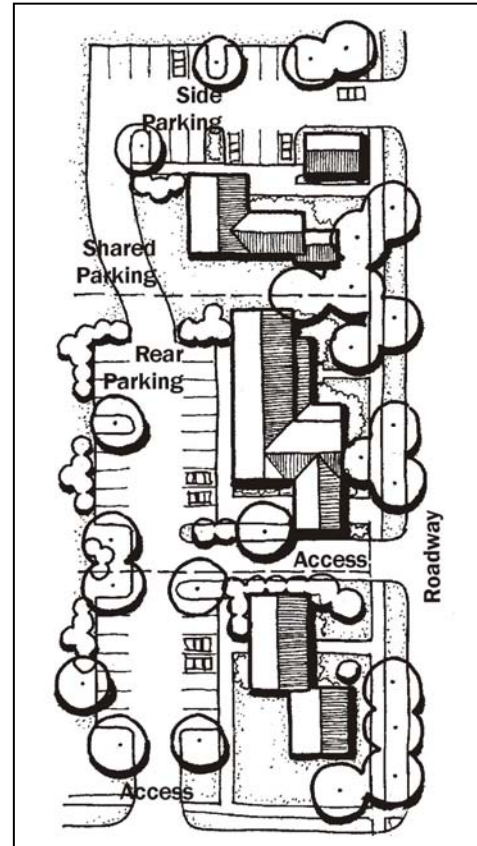
- A. Unless otherwise zoned, commercial uses shall be limited to low intensity retail, office or professional uses similar to the Restricted Business zoning district (RB).
- B. Unless otherwise zoned, “Big Box” or intensive commercial uses shall be restricted. Maximum floor area for commercial use shall be limited and shall be consistent with the Village character (generally not greater than thirteen thousand (13,000) square feet per tenant). *(amended 08.29.11)*
- C. Unless otherwise zoned, commercial or office uses shall not extend more than five hundred thirty-five (535) feet beyond the future right-of-way of Baldwin Road. Parcel areas deeper than five hundred thirty-five (535) feet shall be reserved for residential uses. *(amended 08.29.11)*
- D. Unless otherwise zoned, multi-family, attached housing shall not extend more than one thousand (1,000) feet east or west of the future right-of-way of Baldwin Road. *(amended 08.29.11)*
- E. Mixed-Use PUD projects within the Village Center are intended to be predominately residential. Not more than fifty percent (50%) of the total floor area for a mixed PUD project shall be non-residential. However, the Township Board and Planning Commission may consider deviations from the fifty percent (50%) maximum non-residential floor area if it is determined that the project will not create excessive traffic impacts, is consistent with high quality design standards and will not adversely impact surrounding residential areas. *(amended 08.29.11)*
- F. The Schedule of Regulations for the underlying zoning district shall be applied for density, height, setback, lot size, lot width, lot coverage, floor area, etc. When a proposed use otherwise permitted in the overlay is not listed as a permitted use in the underlying district, the Planning Commission shall use the standards in the district which most closely corresponds to the permitted use(s), and these may be modified by the Planning Commission if necessary to meet the spirit and intent of the overlay district. *(added 06.15.20)*
- G. Commercial buildings shall not contain a continuous building frontage of more than two hundred fifty (250) feet without a break or separation of building.
- H. For large scale mixed use projects over forty (40) acres in size, at least sixty percent (60%) of the development acreage shall be reserved for single family detached residential uses. Housing for senior citizens shall be excluded from this restriction.
- I. Mixed use developments including residential and commercial uses are encouraged as part of a PUD. Single family residences are favored as the predominate land use in the mixed use developments and may be interspersed with a mixture of multi-family/attached housing or local business uses.

**Section 33.02 – Design Standards**

In addition to complying with the design standards set forth in this section, all proposed development and construction within the Village Center shall comply with the “Gingellville Village Design Plan and Guidelines” which shall be adopted by resolution of the Charter Township of Orion Board of Trustees, upon recommendation of the Orion Township Planning Commission. General Design Standards are listed as follows:

A. General Standards.

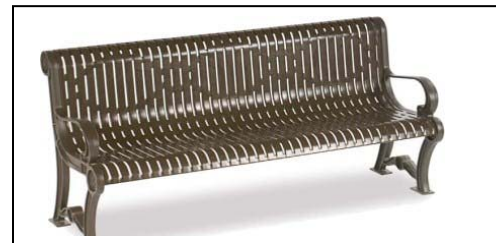
1. Land uses should transition from commercial, or multiple-family, to lower density residential uses including single family detached units to the east and west of Baldwin Road, with appropriate buffers and screening on the perimeter.
2. The Village Center developments shall promote pedestrian connection and linkage.
3. Secondary access shall be required by either parallel access roads or perpendicular access from Baldwin Road.
4. Rear yard parking or at least a significant portion of rear yard and side yard parking shall be required.
5. Pedestrian amenities such as streetscape, street furniture, benches, lighting, pavers and extensive landscaping shall be required and shall meet the standards as listed in the Gingellville Village Design Plan and Guidelines or approved equivalent as determined by the Building Department.
6. All projects shall demonstrate quality architecture and landscaping consistent with the Gingellville Village Design Plan and Guidelines.



**Rear/Side Yard Parking along with Primary and Secondary Access from Baldwin Road and Side Roadway**

B. Open Space and Community Design Feature.

1. Residential Uses. An active or passive recreation/open space plan shall be submitted to Planning Commission for consideration. The plan shall demonstrate that at least fifteen percent (15%) of the gross land area is maintained for recreation/open space amenities which accurately reflect the intended demographics of the development.
2. Required open space may be fulfilled in other parcels or non-contiguous areas of the overlay district subject to approval of the Planning Commission and other restrictions which will guarantee permanent open space.
3. All Non-Residential Uses. Each non-residential establishment shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, outdoor sculpture, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity that, in the sole discretion of the Township, is determined to adequately enhance such community and public spaces. All

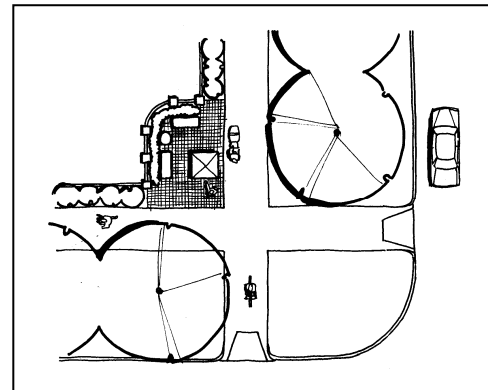


**Pedestrian Amenities such as Benches  
Wabash Valley Manufacturing, Inc.  
(Model #ES42OP)**

non-residential PUD's shall provide at least ten percent (10%) open space as required in Section 30.03.

- 4. Money in Lieu of Construction. In lieu of establishment of public space amenities, such as pedestrian plazas, window shopping walkways, outdoor play area, outdoor sculpture, kiosks, water features, clock tower, etc., the Township Planning Commission and/or Township Board may accept a sum of money equivalent to the actual cost of construction for the public space amenities. Money in lieu of construction shall only be allowed for sites where there are practical difficulties, spatial limitations or other factors which prevent on-site construction of public amenities. The amount shall be placed in escrow or other named accounts as established by the Township Board for ongoing or future construction of public space amenities within the Gingellville Village Center Overlay District.

- 5. Compliance with Gingellville Village Design Plan and Guidelines. Money in lieu of construction for public space amenities shall be directed to projects in accordance with the Gingellville Village Design Plan and Guidelines. Funds shall be designated for projects approved by the Planning Commission and Township Board which implement components of the Concept Plan for the Village of Gingellville (see Map 3 at end of Article) or other public space amenities within the Gingellville Village Center Overlay District.



**Pedestrian Plaza as a Public Space Amenity**

- C. Site Access, Parking and Loading. Site access, parking and loading shall be controlled in the interest of public safety. Each building or group of buildings and its parking or service area, shall be subject to the following restrictions:

- 1. Provisions for circulation between developments on adjacent parcels shall be required through joint drives and cross-access connections.
- 2. Driveway placement must be such that loading and unloading activities will not hinder vehicle ingress or egress. All loading areas for non-residential uses shall be located within rear yard or side yard areas, and/or screened.
- 3. Access management standards shall be in accordance with Section 27.14.

- D. Pedestrian Pathways and Sidewalks. Vehicular access and circulation shall be planned to ensure safe pedestrian movement within the development. Pedestrian systems shall provide safe, all-weather, efficient, and aesthetically pleasing means of on-site movement and shall be an integral part of the overall site design concept. Pedestrian pathway connections to parking areas, buildings, other amenities and between on-site and perimeter pedestrian systems and safety paths shall be planned and installed wherever feasible.

- E. Signage. All signs permitted within the Gingellville Village Center Overlay District shall be subject to the provisions of Ordinance No. 153 unless a stricter provision is provided below. In addition to the overall intent of this section, the intent of this subsection is to ensure that signs within the Gingellville Village Center Overlay District shall be uniform in size, design, appearance and material. Accordingly, all signs within the Gingellville Village Center Overlay District shall be subject to the following requirements and standards (*amended 02.21.06*):



**Sign Design Continuity for Multi-Tenant Commercial Developments**

(Complementary colors, common lettering, similar location, uniform materials, size, proportion and background panel)

- 1. All signs shall be designed so as to be integral and compatible with the architecture and landscaping component of the development.



2. Multi-tenant commercial developments shall have signs that share common design elements. This may be accomplished through design continuity of the following:

- uniform color or a harmonious range of complementary colors for all signage
- common lettering and/or graphic style
- similar location of sign on the building frontage
- uniform construction materials
- uniform size and proportion
- uniform background panel

3. Multi-tenant developments shall require submittal of a Common or Master Signage Plan which illustrates the above listed design elements. The Common or Master Signage Plan shall be submitted in conjunction with Ordinance No. 153 Procedures and Requirements and shall include building sections / elevations as well as the location, size, scale and materials of all proposed signs. (amended 02.21.06)

4. Shielded external illumination is encouraged to reduce glare. No portion of the sign shall have a luminance greater than fifteen (15) foot candles measured at four (4) feet perpendicular to any surface.

5. It is recommended that signs with internal illumination provide a dark background with lighter colored lettering or logo. An internally lit sign with white background will generally exceed the maximum allowable luminance.

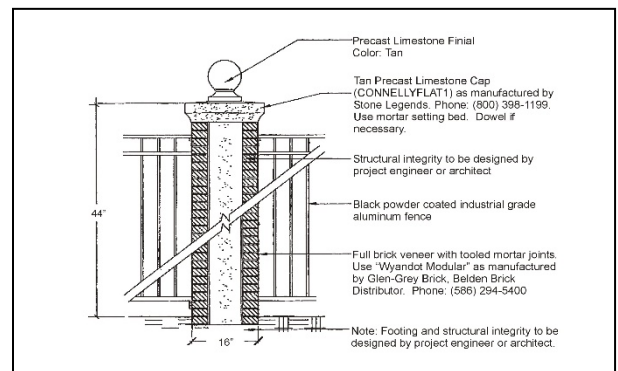
6. The light from illuminated signs shall be shielded at its source in a manner that will not shine light on adjacent properties or onto public streets or sidewalks.



**Pedestrian Lighting Detail**  
**Antique Street Lamps Mfg. Inc.**  
**(Model # DS7K)**

F. Lighting. All lighting shall conform to the requirements of Section 27.11, in order to maintain vehicle and pedestrian safety, site security, and accentuate architectural details.

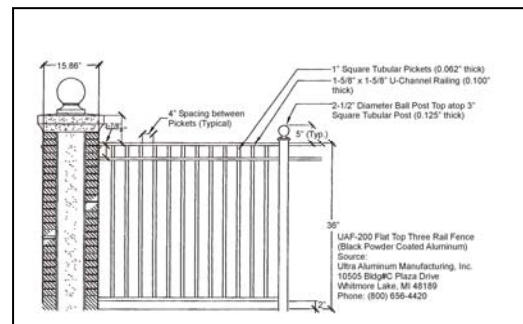
1. All street and parking lot lighting shall be installed in accordance with the Gingellville Village Design Plan and Guidelines or approved equivalents.
2. Pedestrian lighting shall be provided for pedestrian walkways, building entries and other areas where illumination is needed to permit safe pedestrian travel.



**Parking Lot Screening**  
**Pillar Detail**

G. Landscaping / Greenbelts / Buffers / Screening Elements. All landscape features of the site shall conform to the requirements detailed in the Charter Township of Orion Zoning Ordinance and the Gingellville Village Design Plan and Guidelines, in order to ensure that the image of the Village is promoted by the organization, unification and character of the district.

1. Parking Lot Screening Along Baldwin Road. The screening of parking lots along Baldwin Road shall conform with the Gingellville Village Design Plan and Guidelines and the pillar and fence details provided herein. The plantings to occur along the screening fence will also be in accordance with the Gingellville Village Design Plan and Guidelines (consisting of perennials and compact shrubs along the fence).



**Parking Lot Screening**  
**Fence Detail**

**H. Architecture.**

1. An individual building shall not exceed five thousand (5,000) square feet per tenant. Existing buildings or new buildings within the GB District shall be excluded from this requirement. General architectural standards are listed as follows:
  - a. All buildings shall have a roof pitch of no less than four (4) feet of rise (vertical) over twelve (12) feet of run (horizontal).
  - b. The exterior of the building shall appear to have an abundance of individual uses through the inclusion of windows and varying architectural treatments, while the interior may consist of one individual use. Large expanses of blank walls are to be avoided.
  - c. Architectural interest shall be provided through the use of repetitious patterns of color, texture and material modules, at least one of which shall repeat horizontally. Each module should repeat at intervals of no more than fifty (50) feet.
  - d. Building facades greater than one hundred (100) feet in length shall incorporate recesses, projections and or windows along at least twenty percent (20%) of the length of the facade. Varying roof lines, projections/recesses etc. are encouraged to enhance "Village" characteristics. Windows, awnings, and arcades must total at least sixty percent (60%) of a facade length abutting a public street.
  - e. Primary building entrances shall be clearly defined and recessed, or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

**I. Building Materials.**

1. Materials shall blend with those existing on adjacent properties.
2. One dominant material shall be selected, with a preference towards masonry and stone.

**J. Residential Appearance, Building Height and Density. *(amended 06.15.20).***

1. Lots having sufficient width shall require side entrance garages.
2. Front facing garages shall extend no more than six (6) feet past front living area.
3. Front porches are required for all single family residences. Porches shall be a minimum size of eight (8) feet in width and six (6) feet in depth.
4. At least fifty percent (50%) of the front elevation of a dwelling, excluding garage door, shall be masonry material such as brick, stone, or cementitious siding. Cultured stone shall be acceptable.
5. Residential density shall not exceed nine (9) dwelling units per acre for the portion of the development that is designated for residential use. This maximum density may be increased to twenty (20) dwelling units per acre and the maximum height / number of stories may be increased to three (3) stories / forty five (45) feet if all the following conditions are met *(added 06.15.20)*:
  - a. Minimum residential open space shall be twenty (20) percent. There shall be a square, green or similar open space park or plaza that includes benches, shade trees, walking paths (sidewalks and/or trails), and similar amenities within or at the edge of the residential area.
  - b. Front facing garages shall be recessed from the front living area by at least five (5) feet.
  - c. If multiple-family units are proposed, they shall be of a townhouse, bungalow court, small multiplex (triplex or quadplex), or duplex variety. When these building types are proposed, the Planning Commission may permit reduced setbacks, consistent with Section 33.03, based upon consideration of

the building type, development concept, and adjacent land uses. Apartments are also permitted as part of the density bonus and additional building height bonus, provided they shall have no building dimension, measured in a straight line, that exceeds one hundred sixty (160) feet.

- d. No building exceeding thirty-five feet in height shall be located closer than one hundred feet from an adjacent single-family residential district.

K. Fences.

1. The finished side of all fences shall face the common property line boundary or the public right-of-way.
2. Only the following fence materials shall be allowed: wood (or vinyl closely resembling wood) wrought iron (or aluminum closely resembling wrought iron) stone or brick. All other fence materials, including chain link and vinyl-clad chain link are prohibited unless placed in side or rear yards or screened from public view by landscaping or other means.

L. Building Roofs.

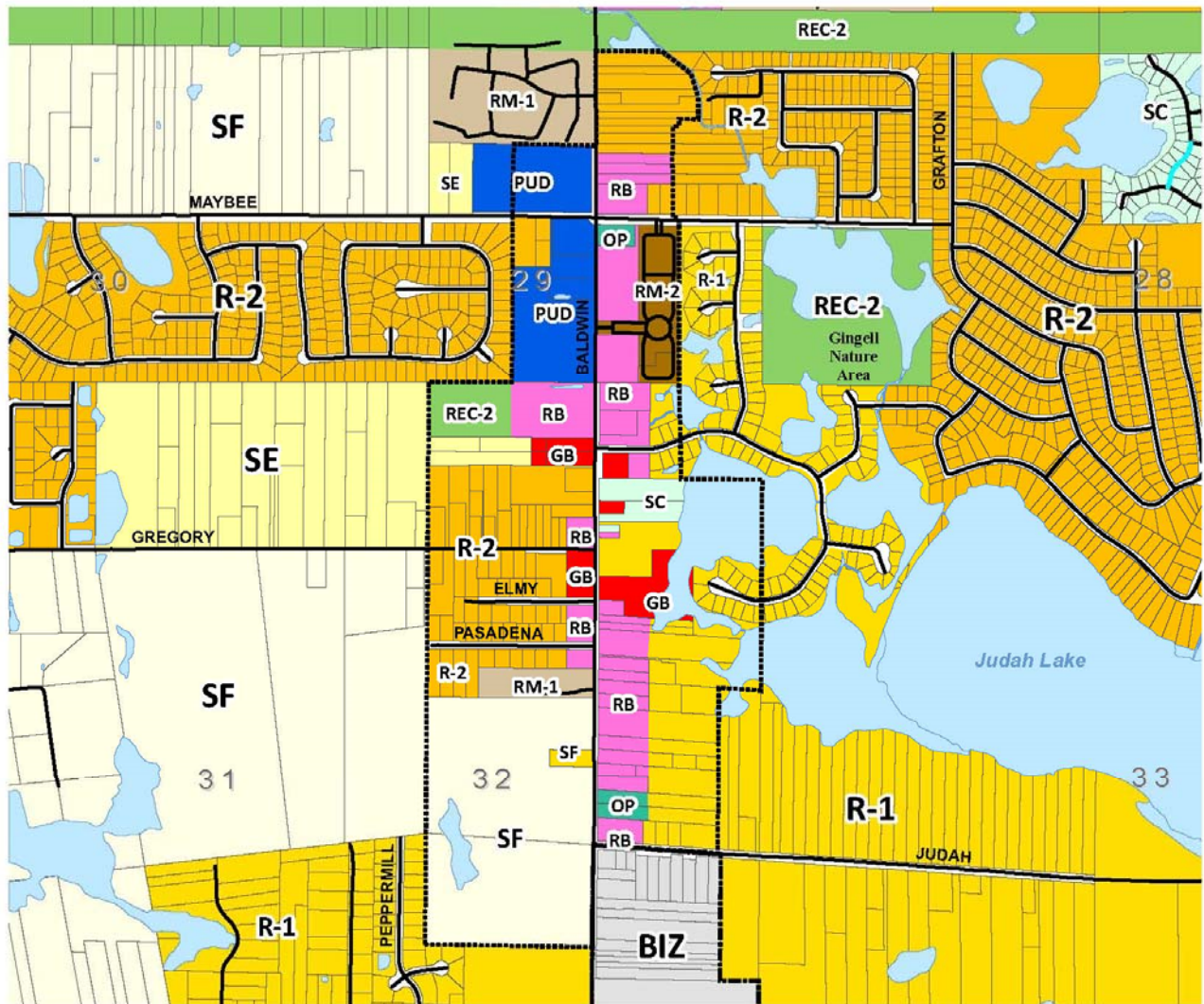
1. In instances where roof vents, roof-mounted mechanical equipment, pipes, etc., can be viewed from ground level, they shall be grouped together, painted to match roof color to reduce their appearance, and screened from view.
2. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest. Single roof planes covering more than three thousand (3,000) square feet must be broken up by dormers, cross-ridges, minor roofs, chimneys or similar features.

M. Screening of Exterior Electrical Equipment and Transformers.

1. Transformers that may be visible from any primary visual exposure area shall be screened with either plantings or a durable noncombustible enclosure which are unified and harmonious with the overall architectural theme.
2. Exterior-mounted electrical equipment shall be mounted on the interior of a building wherever possible, or shall be located where it is substantially screened from public view. Such equipment shall never be located on the street side or primary exposure side of any building.

### **Section 33.03 – Modification of Standards**

- A. The Planning Commission shall have the authority to waive or modify the standards of Section 33.01 or 33.02 upon consideration of the following:
  1. The standards of this section would prevent reasonable use of the site.
  2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standards impractical.
  3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
  4. Other design constraints and considerations as defined by the Planning Commission.
  5. The requirements of Sections 33.01 and 33.02 may be modified by way of a Planned Unit Development approved in accordance with Section 30.03.



- |  |  |  |  |
|--|--|--|--|
|  | SF Suburban Farms                              |  | RFY Railroad Freight Yard                    |
|  | SE Suburban Estates                            |  | SP-1 Special Purpose 1                       |
|  | SR Suburban Ranch                              |  | SP-2 Special Purpose 2                       |
|  | R-1 Single Family Residential (14,000 sq. ft.) |  | REC-1 Recreation 1                           |
|  | R-2 Single Family Residential (10,800 sq. ft.) |  | REC-2 Recreation 2                           |
|  | R-3 Single Family Residential (8,400 sq. ft.)  |  | PUD Planned Unit Development                 |
|  | RM-1 Multiple Family residential               |  | P Parking                                    |
|  | RM-2 Multiple Family Residential               |  | BIZ Brown Road Innovation Zoning District    |
|  | MHP Mobile Home Park                           |  | Gingellville Village Center Overlay District |
|  | OP Office and Professional                     |  | * Conditional Rezoning                       |
|  | RB Restricted Business                         |  | Special Circumstances (Call Township)        |
|  | GB General Business                            |  |  |
|  | LI Limited Industrial                          |  |  |
|  | IP Industrial Park                             |  |  |
|  | IC Industrial Complex                          |  |  |

### GINGELLVILLE VILLAGE CENTER OVERLAY ZONE

Charter Township of Orion  
Oakland County, Michigan



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**Section 34.00 – Preamble**

The purpose of the Brown Road Innovation Zoning District shall be to encourage the development of property in accordance with the Charter Township of Orion Master Plan in a manner that: allows mixed industrial and commercial development in a visually cohesive district; promotes economic development; encourages collaboration between adjacent property owners in the form of shared access and lot combinations; promotes employment, and tax base; promotes redevelopment and new development; eliminates blighted properties; incorporates Low Impact Design (LID) practices as well as full or partial ratings for Leadership in Energy and Environmental Design (LEED); ensures safe and complementary vehicular and pedestrian circulation patterns and best practices for access management; improves environmental quality and remediates degraded properties; and provides an attractive transition between residential and non-residential properties. *(amended 04.06.15)*

The Brown Road Innovation Zoning District shall be specified for the areas as designated on the Charter Township of Orion Zoning Map.

**Section 34.01 – Uses Permitted**

- A. **Applicable Area and Requirements.** The Brown Road Innovation Zoning District encompasses the area as illustrated on the Zoning Map of the Charter Township of Orion. The requirements of this Section shall be applied in addition to the requirements of the applicable zoning districts and other applicable sections of the Charter Township of Orion Zoning Ordinance. The applicable zoning district shall be based on the district which most closely corresponds to the permitted use(s), as determined by the Planning Commission. Where there are conflicts between the requirements of this Section and the requirements of the applicable zoning districts and other sections, the requirements of this Section shall supersede the requirements of the applicable zoning districts and other sections. *(amended 06.15.20)*
- B. **Schedule of Uses.** Use and development of land and buildings shall only be for the following use groups. Land and/or buildings indicated in Table 34-1 may be used for the purposes denoted. Uses not permitted are listed in Table 34-2. Ancillary uses or support uses shall only be allowed in conjunction with larger-scale projects involving planned developments of over ten (10) acres in size. *(amended 06.01.15)*
- C. **Ancillary commercial uses or stand-alone commercial uses** may be permitted within use group types A, B and C if developed in conjunction with larger-scale planned development projects having multiple tenants with a total land area of at least ten (10) acres. An ancillary use can only be built after the primary use has received building permits. The Township shall require a development agreement to ensure performance, phasing, or other development conditions as part of the ancillary commercial planned development project. The Planning Commission may also consider a waiver of the multi-tenant and minimum ten (10) acre requirement if a project promotes the economic development goals of the Township. *(amended 04.06.15)*
- D. **Special Land Uses.** Ancillary uses requiring special land use approval as listed in Table 34-1 shall be subject to the standards and approval requirements set forth within Section 34.02 and as provided in Section 30.02. *(added 04.06.15)*

**Table 34-1**  
*(amended 04.06.15, 07.17.17, 06.15.20)*

<b>USE GROUPS</b>	<b>EXAMPLES OF USES</b>
<b>Type A</b>	<b>Residential, Child Care, Health Care, and Public Uses (including or similar to the following):</b>
	Single-family residential
	Multi-family residential
	Child care centers
	Senior assisted living
	Public/Semi-public/parks
	Essential public services
	Essential public service buildings

USE GROUPS	EXAMPLES OF USES (cont.)
<b>Type A (cont.)</b>	<b>Residential, Child Care, Health Care, and Public Uses (including or similar to the following) (amended 06.15.20):</b>
	Hospitals, medical office, clinics
	Radio, TV, Telephone Trans. Towers
	Colleges/Commercial Schools
	Churches
	<b>Ancillary or Support Uses Allowed:</b>
	Restaurants
	Banks / Credit unions (with or without drive-thru)
	Convenience store (without gas sales)
	Upper floor residential
	Outdoor Patio
	<b>Ancillary Uses requiring Special Land Use Approval:</b>
	Drive-thru uses except banks/credit unions
	Convenience store (with gas sales)
	Auto Wash
	Outdoor Café
<b>Type B</b>	<b>Commercial (including or similar to the following):</b>
	<b>Ancillary or Support Uses Allowed without Special Land Use Approval:</b>
	Restaurants
	Banks / Credit Unions
	Convenience Store (with or without gas sales)
	Upper Floor Residential
	Office and Retail Uses
	Multi-tenant Shopping Centers
	Outdoor Patio
	<b>Ancillary Uses requiring Special Land Use Approval:</b>
	Drive-thru Uses
	Convenience Store (with gas sales)
	Auto Wash
	Outdoor Café
<b>Type C</b>	<b>Regional Commercial (including or similar to the following):</b>
	Auto dealerships
	Large-scale retail establishments (over 55,000 sq. ft.)
	Multi-tenant shopping centers (over 55,000 sq. ft.)
	Building & lumber supply / Garden centers
	Office buildings
	Hospitals / Medical complexes
	Hotels / Motels with conference rooms, banquet facilities and/or a restaurant with a combined minimum area of five thousand (5,000) square feet
	<b>Ancillary or Support Uses Allowed without Special Land Use Approval:</b>
	Restaurants
	Office and Retail Uses
	Banks / Credit unions (with drive-thru)
	Convenience store (without gas sales)
	Upper floor residential
	Outdoor Patio
	<b>Ancillary Uses requiring Special Land Use Approval:</b>
	Drive-thru uses
	Auto service / Body repair

USE GROUPS	EXAMPLES OF USES (cont.)
<b>Type C (cont.)</b>	<b>Regional Commercial (including or similar to the following) (amended 06.15.20):</b>
	Convenience store (with gas sales)
	Auto wash
	Animal kennel boarding or pet day care/Grooming
	Outdoor Café
<b>Type D</b>	<b>Research and Development/Industrial (including or similar to the following):</b>
	Computer/Information Technology and Design, Data Processing, and other Computer-Related Services
	Corporate Offices
	Experimental Research, Development & Testing Labs
	Life Science Technology and Medical Laboratories
	Incubator Workshops
	Manufacturing, Processing, Stamping, etc.
	Printing
	Tool & Die, Gauge & Machine Shops
	Truck Rental / Truck Terminal / Distribution
	Warehousing / Wholesale
	Indoor mini-storage facilities with centralized access
	Indoor Commercial Recreation
	<b>Ancillary Uses requiring Special Land Use Approval:</b>
	Contractor’s Equipment Storage / Storage Yards
	RV Storage
	Indoor mini-storage facilities without centralized access (added 06.15.20)

Table 34-2

USES NOT PERMITTED	DISTRICTS
	<b>Brown Road BIZ</b>
Adult regulated uses	NP
Salvage/junk yards	NP
Asphalt plants	NP
Cement plants	NP
Extractive uses	NP
Commercial/industrial incinerators	NP
Slaughterhouse/rendering	NP
Waste processing facilities	NP
Composting facilities	NP
Bulk petroleum	NP

Key: NP = NOT PERMITTED

- E. Uses not otherwise listed within a use group. Land uses which are not contained by name or by association in the use group may be permitted upon a positive recommendation of the Building Department that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district. The Building Department may also refer a request for an interpretation to the Board of Zoning Appeals in accordance with Section 30.08.

The Building Department shall consider specific characteristics of the use in question. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.



**Section 34.02 – Ancillary Uses requiring Special Land Use Approval** *(added 04.06.15)*

The following uses shall be permitted as special land uses in accordance with Table 34-1, subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided in Section 30.02:

- A. Drive-Thru Uses. All drive-thru canopies and speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. Associated parking lots, maneuvering lanes, and drive-thru lanes shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels. Any noise associated with a drive-thru use shall not exceed sixty (60) decibels when measured at the property line.
- B. Contractor’s Equipment Storage/Storage Yards/RV Storage
  - 1. As a principal use, outdoor contractor’s equipment storage yards and outdoor storage yards shall comply with the front, side and rear yard setbacks of Use Group D stated in Table 34-3.
  - 2. Outdoor storage areas as a principal use shall be completely fenced with a chain link fence at least eight (8) feet high.
  - 3. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05.
  - 4. Outdoor storage or display within the Brown Road Innovation Zone shall be located at least five hundred (500) feet from a residentially used parcel.
  - 5. The outdoor storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on a site plan as approved by the Planning Commission. The site plan shall illustrate or specify the following information, at minimum:
    - a. The exact boundaries of proposed outdoor storage;
    - b. Surfacing and drainage details;
    - c. Screening details;
    - d. Layout of outdoor storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles.
- C. Uses not otherwise listed within this Section. Special land uses which are permitted in Table 34-1 but are not specifically mentioned within this Section shall comply with the Special Land Use procedures and standards set forth in Section 30.02.
- D. Existing Special Land Uses. Existing special land uses or uses previously allowed which are now considered special land uses within the Brown Road Innovation Zone District shall, by enactment of this provision, be granted the special land use status of being uses which conform to the parking, use, setback and density provisions of this chapter and, therefore, shall not be burdened with customary nonconforming use status.

**Section 34.03 – Required Conditions / Flex Zoning**

All activities and uses in this District shall comply with the following required conditions, except where an existing building is legally in nonconformance, or where a variance from the conditions has been legally granted by the Zoning Board of Appeals.

- A. Site Plan Approval. The proprietor shall submit a site plan for approval, pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Schedule of Regulations. Each use within the Brown Road Innovation Zone shall comply with Table 34-3 for area, height, setback and lot coverage. The Planning Commission is authorized to consider a waiver of up to twenty percent (20%) of the dimensional requirements in the Schedule of Regulations of Table 34-3 for larger-scale planned development projects with a total land area of at least ten (10) acres or for an assemblage of parcels as approved by the Planning Commission. A waiver shall only be granted if the property receiving the waiver does not adversely impact adjoining parcels, abut residentially zoned parcels, or create public safety concerns. The schedule of regulations is provided below *(amended 04.06.15, 06.15.20)*:

**Table 34-3  
Schedule of Mixed Use Regulations**

	<b>Use Group A</b>	<b>Use Group B</b>	<b>Use Group C</b>	<b>Use Group D</b>
<b>Minimum Lot Area</b>	12,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
<b>Minimum Lot Width</b>	75 ft.	90 ft.	100 ft.	150 ft.
<b>Minimum Front Yard</b>	30 ft.	40 ft.	40 ft.	40 ft.
<b>Minimum Side Yard</b>	10 ft.	20 ft.	20 ft.	20 ft.
<b>Minimum Rear Yard</b>	30 ft. (50 ft. <sup>1</sup> )	30 ft. (50 ft. <sup>1</sup> )	30 ft. (50 ft. <sup>1</sup> )	30 ft. (50 ft. <sup>1</sup> )
<b>Maximum Building Height</b>	See C below	See C below	See C below	See C below

<sup>1</sup>Where abutting existing zoned or used residential properties which are outside of the BIZ zoning district boundaries.

- C. Height Limit. The Brown Road Innovation Zone does not contain a height limit. However, all applications for development shall be reviewed by the Building Department and/or Planning Commission for height compatibility with adjoining residential areas. Where parcels abut existing zoned residential areas, maximum height of a building shall not exceed two (2) times the setback dimension from the residentially zoned property line to the edge of the building. The Planning Commission may also require line of sight surveys, drawings, or elevations to evaluate the visual impact of buildings over five (5) stories in height. If the Planning Commission determines that line of sight is significantly impaired for adjoining residentially zoned parcels, the Planning Commission may impose a five (5) story or sixty (60) foot height limitation.
- D. Multi-Family Residential. The following area and bulk requirements shall supersede the requirements of this Section and the RM-1 and RM-2 districts for multi-family residential. The minimum floor area per unit, building setbacks and building types and regulations shall be in accordance with 1-7 below. *(added 06.15.20)*
  - 1. Building Bulk and Height. The maximum number of floors used as multiple-family residential in a building shall be five (5). For a free-standing multiple-family building, the maximum building height shall be sixty (60) feet and five (5) stories subject to the compatibility and setback standards in subsection C. The maximum dimension of a building measured in any straight line should be two hundred (200) feet.
  - 2. Maximum Number of Dwelling Units Per Acre. The maximum number of dwelling units permitted on a site shall be dictated by the combination of building height, landscaping, stormwater management, site coverage, and off-street parking requirements.
  - 3. When more than one freestanding multiple-family building is proposed as part of a unified development, the number of stories should be varied.
  - 4. Garages and carports should be oriented internally, and garage doors and carports should not be located in front yards. Garage doors should not face a public street unless they are located in a rear yard.
  - 5. Sites shall incorporate green spaces such as squares and linear open space areas that include benches, walking paths, shade trees, and other amenities that create places where residents can enjoy the outdoors.

6. The overall site design of residential areas shall have a focus on walkability and be consistent with the intent of the district.
7. Maximum Site Coverage: Forty percent (40%). The Planning Commission may permit a maximum site coverage that exceeds forty percent (40%) subject to covered parking, such as garage, carport, or tuck-under garages being provided for at least one-third of the parking spaces provided. A maximum site coverage of fifty percent (50%) may be approved subject to fifty percent (50%) covered parking spaces provided. In no case shall the maximum site coverage exceed sixty percent (60%).

E. Off-Street Parking.

1. Parking requirements shall be based upon the following schedule:
  - a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.
  - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
  - c. Parking requirements for industrial-related districts shall be based upon one (1) parking space per one thousand (1,000) square feet of gross floor area.
  - d. Parking requirements for residential districts shall include one and one-half (1.5) parking spaces for each dwelling unit. Additionally, parking for visitors shall also be provided at the rate of one (1) parking space for every three (3) dwelling units. *(added 06.15.20)*
2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment, and/or the level of current or future customer traffic.
3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 06.19.23)*
4. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop, or equivalent, as approved by the Planning Commission.
5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
6. The required setback for parking may be reduced in width or waived by the Planning Commission, subject to landscaping or screening requirements.

F. General Design Standards. All proposed development and construction within the Brown Road Innovation Zoning District shall comply with the following standards:

1. Development Patterns. Proposed development shall reflect characteristics and design features that are consistent with the Charter Township of Orion Master Plan. The intent of the District is to create a coordinated development pattern which provides a smooth transition between uses and properties. Transition may be created through coordination of building styles and setbacks, landscape buffers, and cross-access between properties.
2. A mix of industrial, commercial, and other uses is allowed as long as appropriately buffered and sited.
3. Access Management, Parking, and Loading. Overall street and/or driveway design and layout shall be an integral component of site design providing for both internal access to service the development of properties and cross-access between individual properties (Figure 34.1). Developments shall meet the access

management standards set forth in Section 27.14 while, parking, and loading shall meet the standards set forth in Article 27.04. (amended 04.06.15, 07.17.17)

4. (added 07.17.17) Off-street parking shall be located predominantly within the side or rear yard areas, unless waived by the Planning Commission. The Planning Commission may allow parking in the front yard, subject to traffic safety, visibility, convenience, landscape buffering, or other site factors. If parking is allowed within the front yard as provided above, and the parking area is proposed within two-hundred (200) feet of a public road right-of-way, only a one-way or two-way maneuvering lane with two rows of parking stalls may be provided in the front yard. The remainder of parking shall be located in the side or rear yard unless waived by the Planning Commission. All parking must meet the setback standards of Section 34.03.D and the greenbelt requirements as shown in Figure 34.4 or 34.6.

In an effort to reduce impervious surfaces and roadway conflict points due to multiple driveway access points, where possible, shared parking and common access drives are required unless waived by the Planning Commission for all properties within the BIZ District. Waivers may be requested due to topographic or use incompatibility between properties. See Figure 34.1 for example access management and shared parking layout.

**Figure 34.1  
Access Management / Shared Parking**



5. Pedestrian Pathways and Sidewalks. Emphasis shall be placed on providing a pedestrian circulation system which promotes safety and connects mixed use areas. Vehicular access and circulation shall be planned to ensure safe pedestrian movement by means of safety paths within the development.
6. General Site Design/Architectural Guidelines. It is the intent of the District to provide an environment of high quality and complementary building architecture and site design. Special emphasis shall be placed upon

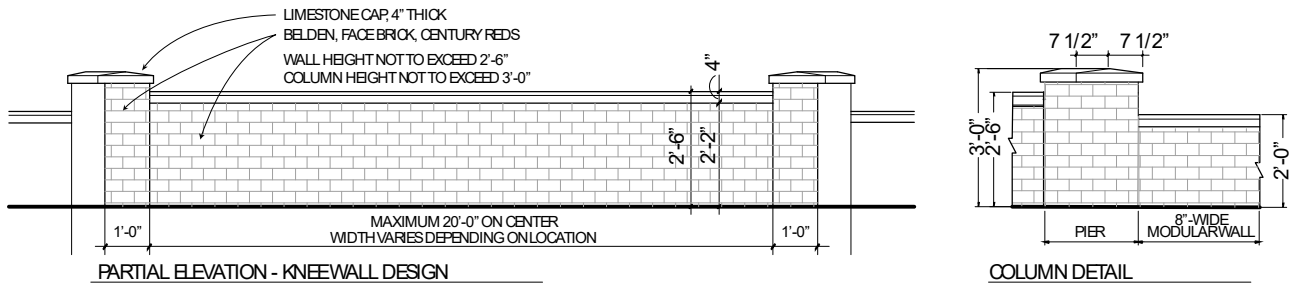
methods that tend to reduce the visual impact of large buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the Brown Road corridor. Large-format retail centers shall comply with Section 27.16.

7. Specific Site Design/Architectural Guidelines for properties fronting Brown Road. In an effort to provide a transition and continuity from Brown Road to the Gingellville area to the north, the following architectural guidelines shall be incorporated into the design of principal and ancillary structures along Brown Road. *(added 07.17.17)*
  - a. Architectural interest shall be provided through the use of repetitious patterns of color, texture and material modules, at least one of which shall repeat horizontally. Each module should repeat at intervals of no more than fifty (50) feet. Plain 8" x 16" concrete masonry units shall be avoided. Clay brick, stone and/or textured, split face or patterned masonry units shall be used *(amended 06.15.20)*.
  - b. Building facades greater than one hundred (100) feet in length shall incorporate recesses, projections and or windows along at least twenty percent (20%) of the length of the façade. Varying roof lines, projections/recesses etc. are encouraged. Windows, awnings, and arcades must total at least sixty percent (60%) of a façade length abutting a public street.
  - c. Standardized, pre-engineered metal sided industrial buildings shall be prohibited unless approved by the Planning Commission.
  - d. Primary building entrances should be clearly defined and recessed, or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather. Multiple family residential buildings may have covered projecting or recessed porches, covered stoops, or lightwells (for brownstone type construction). *(amended 06.15.20)*
  - e. Greenbelts for Use Group A, B, and C shall be 20' in width. The greenbelt for Use Group D shall be 30' in width.
8. Landscaping/Greenbelts/Buffers/Screening Elements. All landscape features of the site shall conform to the requirements set forth in Section 27.05 as well as the regulations listed in Section 34.03 T.
9. Site plan applications shall comply with the submittal requirements of Section 30.01.
10. Interior Access Roads. New roads providing interior access to two (2) or more lots shall provide a right of way of at least sixty-six (66) feet. Interior access roads having connections with either Joslyn Road, Brown Road or Jordan Road shall be provided with entry area improvements including enhanced landscaping (Figure 34.4) and masonry knee walls as depicted in accompanying figures (Figure 34.2 and 34.3). Each side of the entry area and designated right of way shall contain a minimum of the following features *(added 07.17.17)*:
  - a. 4 ornamental or shade/street trees
  - b. 12 shrubs
  - c. 24 lineal feet of 30" high knee wall
  - d. Knee wall and landscaping shall comply with the sight visibility and corner clearance requirements of Section 27.03G.

Figure 34.2  
Interior Road Entrance Area Example

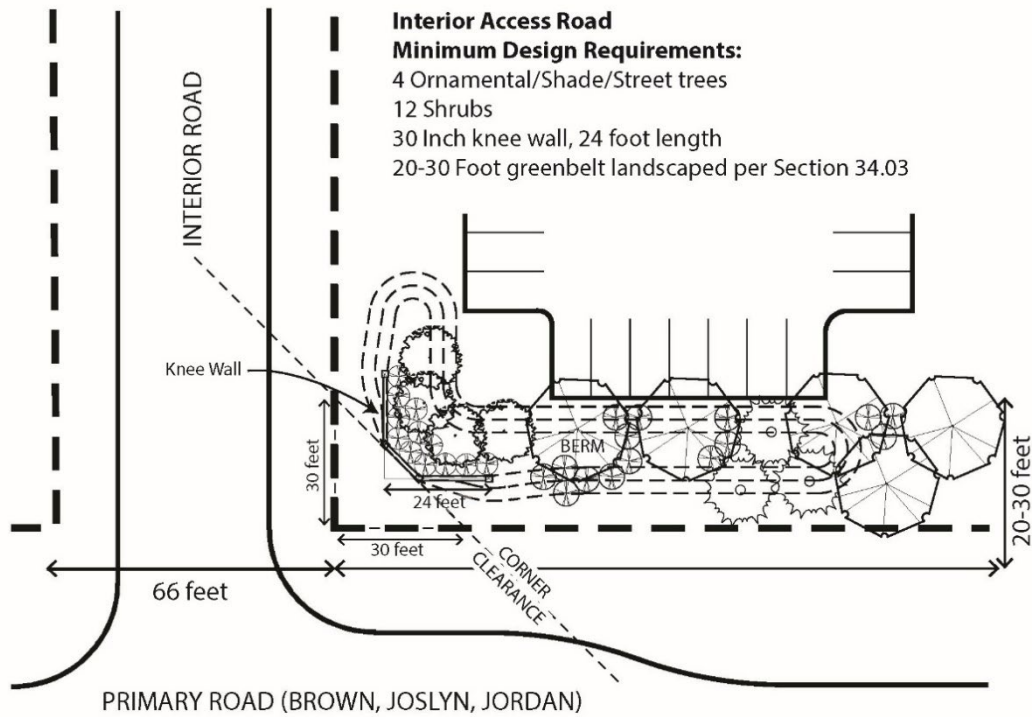


Figure 34.3  
Representative Interior Access Road  
With Knee Wall and Landscaping





**Figure 34.4**  
**Interior Road Entrance Area**

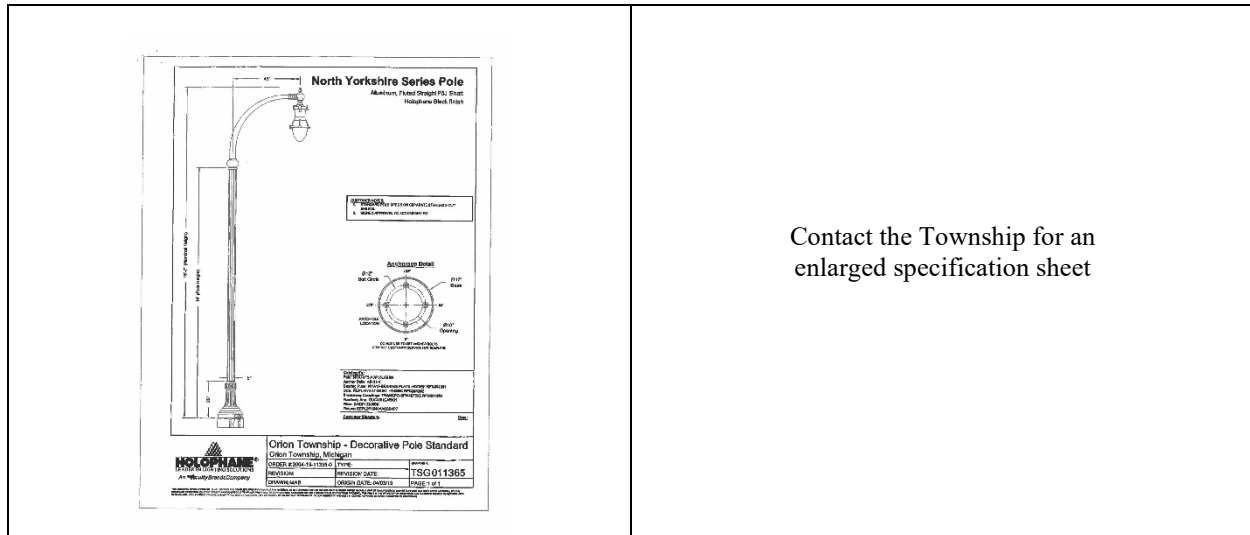


G. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153.

H. Lighting Regulations.

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
4. Ornamental lighting shall be provided within the greenbelt adjacent to Brown Road. Specifically, lights within this area shall be compatible with the DTE “North Yorkshire” poles (Figure 34.5) and fixtures. Compatibility shall be determined during site plan review. All lights shall be spaced 125’ apart and shall be on the north side of the safety path and outward (towards road) facing. *(added 07.17.17, amended 05.04.20)*
5. Lighting fixtures within the interior portion of the BIZ district and not within the greenbelt of Brown, Joslyn or Jordan Roads shall be bronze color, shoebox style LED on a square pole. *(added 07.17.17)*

**Figure 34.5**  
**BIZ (Brown Rd.) Lighting Standards** *(amended 05.04.20)*



I. Knee Wall. Where required, a 30” high knee wall as illustrated in Figures 34.2 and 34.3 shall be installed. The knee wall shall adhere to the following standards. *(added 07.17.17)*

- Decorative knee wall shall be located within the greenbelt, parallel to the R.O.W. and adjacent to the entry planting.
- Columns shall be located at each end of the fence with a brick base and limestone cap.

Item	Material Description
Brick Column	Belden, Face Brick, Century Reds
Limestone Cap	Limestone Cap, 4” thick

- Columns shall have an overall height of 36 inches with a wall height of 2 feet 6 inches.
- Maintenance and repair of the knee wall shall be the responsibility of the property owner.

J. Public Road Access. Any use developed or proposed within this district shall have direct access to a dedicated public or private road. Access management requirements for driveways, curb cuts, and traffic shall comply with Section 27.14.

K. Utilities. All utilities servicing the buildings or structures shall be buried underground.

L. Accessory Outdoor Storage. Accessory outdoor storage areas shall be permitted, subject to the following *(added 04.06.15)*:

1. Outdoor storage areas shall be incidental to the primary use, and shall not exceed ten percent (10%) of the principal building area, one thousand (1,000) square feet, or eight thousand (8,000) cubic feet, whichever is



less. An incidental outdoor storage area which exceeds these dimensions shall be considered a special land use.

2. Outdoor storage shall be limited to the rear yard area.
3. Outdoor storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.
4. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05.
5. Outdoor storage or display within the Brown Road Innovation Zone shall be located at least five hundred (500) feet from a residentially used parcel. This includes parcels with multi-family residential use within the Brown Road Innovation Zone. *(amended 06.15.20)*
6. The outdoor storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on a sketch/site plan as approved by the Zoning Administrator. The sketch/site plan shall illustrate or specify the following information, at minimum:
  - a. The exact boundaries of proposed outside storage;
  - b. Surfacing and drainage details;
  - c. Screening details;
  - d. Layout of outside storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles.

L. Covered Trash Receptacles. *(amended 06.19.23)*

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

M. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.
3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

N. Performance Bond Requirement. The Planning Commission shall require a performance bond to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed.

- O. Building Type. All principal uses shall be contained within a free-standing building.
- P. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97.
- Q. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12.
- R. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17.
- S. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135.
- T. Landscaping. Landscaping and screening shall comply with the following:
  - 1. Landscaping Adjacent to Roads. *(amended 07.17.17)*
    - a. Where a use type A, B, or C abuts a public road, a twenty (20) foot greenbelt shall be provided with one (1) shade tree per 30 lineal feet, and one (1) shrub per ten (10) lineal feet (Figure 34.6). A 24”-30” berm or 30” high knee wall shall be required to screen parking areas fronting on public roadways. The berm or knee wall shall be required to block headlight glare and screen parking lot areas. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted.
    - b. Where a use type D abuts a public road, a thirty (30) foot greenbelt shall be provided with one (1) evergreen tree per fifty (50) lineal feet, one (1) ornamental tree per seventy-five (75) lineal feet and one (1) shrub per ten (10) lineal feet. Parking areas fronting a public road shall be screened by a 24”-30” high berm or 30” high knee wall. Outdoor storage shall be screened from views from a public right-of-way. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted.
    - c. Landscaping of street trees and ornamental trees shall be comprised of the following varieties or other species as approved by the Township.

**Table 34-4  
Landscape Requirements**

<b>Street Tree Plant List</b>		
<b>Street Tree Location</b>	<b>Common Name</b>	<b>Latin Name</b>
Between Back of Curb to Front of Sidewalk or safety path	Armstrong Red Maple	<i>Acer x freemanii</i> ‘Armstrong’
Between Back of Sidewalk/safety path to R.O.W.	Frontier Elm	<i>Ulmus</i> ‘Frontier’

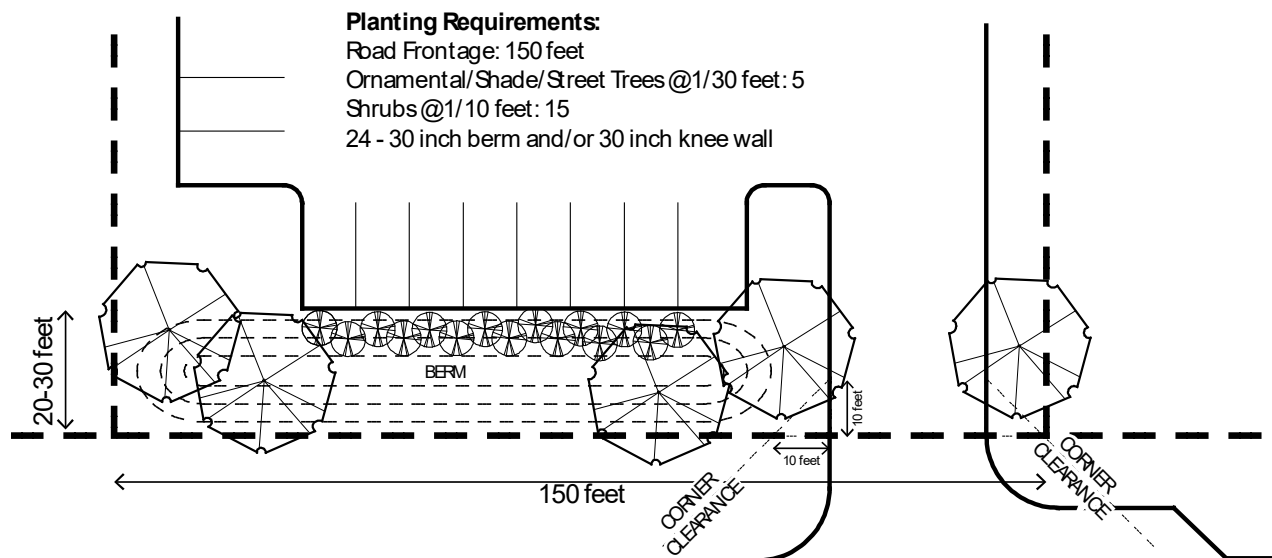
Entryway Landscape:

- Ornamentals trees shall be located on each side of the entrance drive.
- All ornamental trees shall not be located within the sight triangle limits.
- All ornamental trees at entry landscape shall be the same type per entry landscape.
- Ornamental trees can be selected from the following plant list or other species approved by the Township:

Ornamental Tree List	
Common Name	Latin Name
Autumn Brilliance Serviceberry	<i>Amelanchier x grandiflora 'Autumn Brilliance'</i>
Milky Way Dogwood	<i>Cornus kousa chinensis 'Milky Way'</i>
Japanese Tree Lilac	<i>Syringa reticulata 'Ivory Silk'</i>
Tricolor Beech	<i>Fagus sylvatica 'Tricolor'</i>

- All understory landscape shall be located in front of the ornamental trees.
- All understory landscape shall have a maximum height of 30 inches.

**Figure 34.6**  
Street Frontage Landscape Requirements

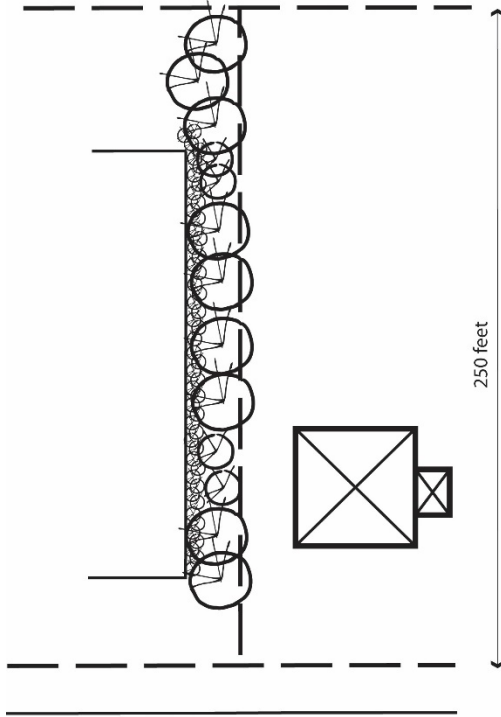


2. Screening Between Uses.

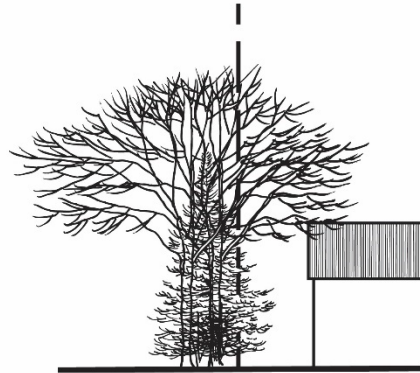
- Where a residential use abuts a non-residential use, a thirty (30) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, one (1) flowering tree per seventy-five (75) lineal feet, and a combination of shrubs at one (1) shrub per five (5) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.7).
- Where a use type D abuts any other use type including residential, a thirty (30) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, one (1) evergreen tree per fifty (50) lineal feet, one (1) flowering tree per seventy-five (75) lineal feet, and a combination of shrubs at one (1) shrub per five (5) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.8).
- For screening between any other uses, a twenty (20) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, and a combination of shrubs at one (1) shrub per ten (10) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.9).

Figure 34.7

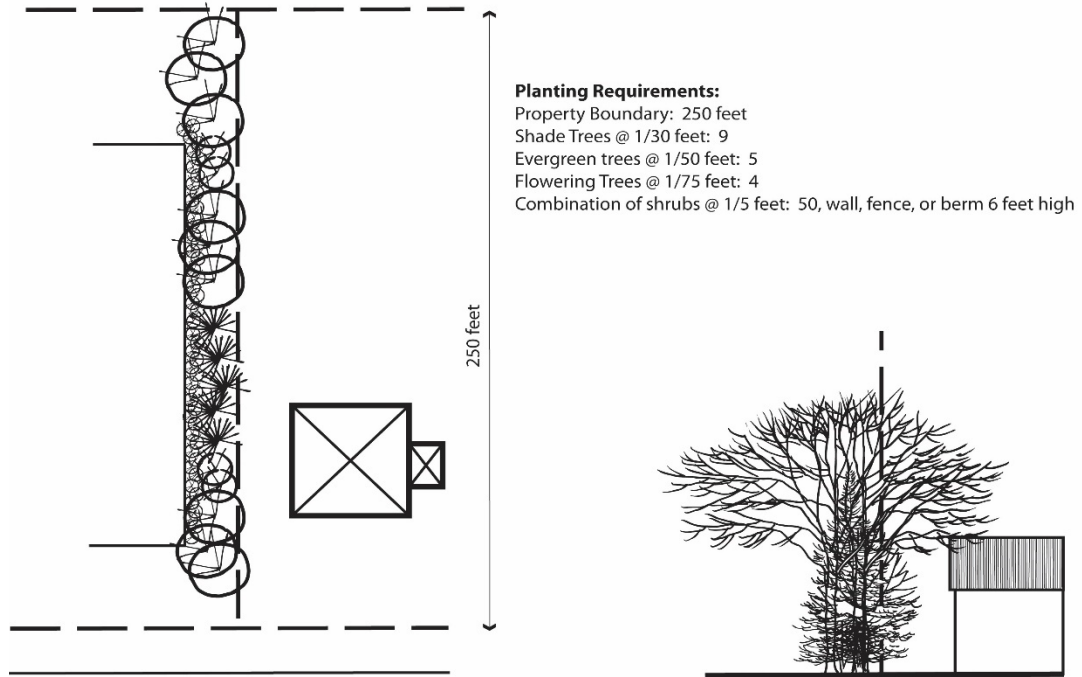
Buffering between Residential and Non-residential Uses



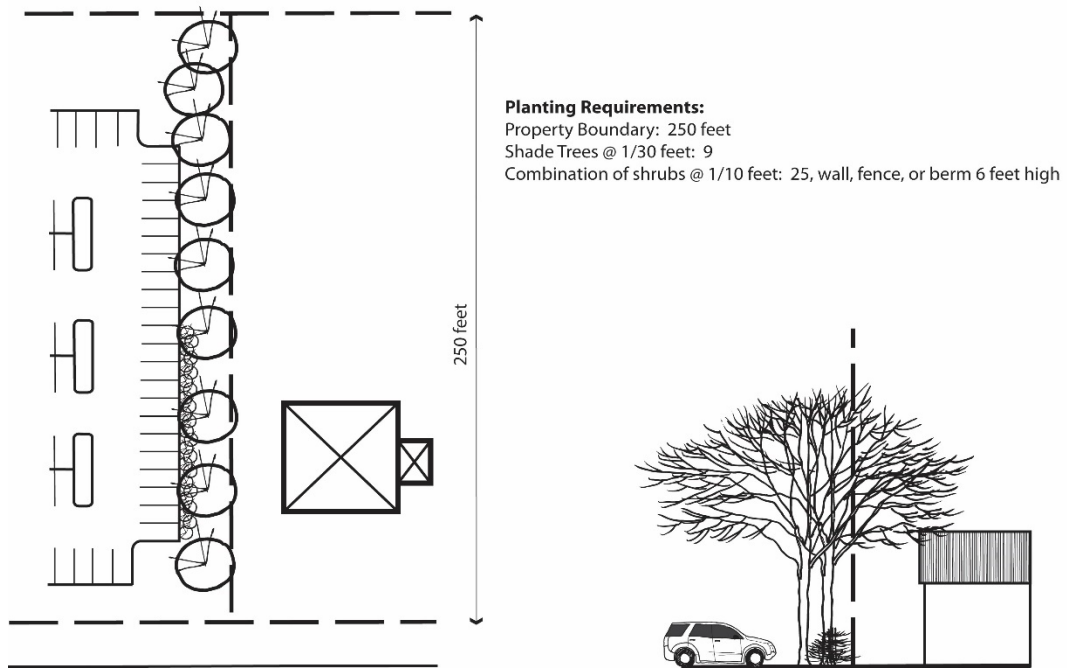
**Planting Requirements:**  
Property Boundary: 250 feet  
Shade Trees @ 1/30 feet: 9  
Flowering Trees @ 1/75 feet: 4  
Combination of shrubs @ 1/5 feet: 50, wall, fence, or berm 6 feet high



**Figure 34.8**  
**Buffering Between Use Type D and All Other Use Types**



**Figure 34.9**  
**Buffering Between All Other Use Types**



## U. General Landscaping Requirements.

1. General Site Requirements. All undeveloped portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as greenbelts, berms, parking lot landscaping, landscaping along roadways, or screening, are required:
  - a. All undeveloped portions of the site shall be planted with grass, ground cover, landscape mulch, shrubbery, landscape stone, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod or hydroseeded.
  - b. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart), which can be reasonably expected to form an eighty percent (80%) visual barrier in summer and a sixty percent (60%) visual barrier in winter, and that will be at least six (6) feet above the ground level within three (3) years of planting. Deciduous plant materials may be used, provided that an eighty percent (80%) visual barrier in summer and a sixty percent (60%) visual barrier in winter is maintained. Wherever screening is required adjacent to residentially zoned property, the screening shall be installed as soon as practicable in relation to site grading and general construction activities.
  - c. The site plan shall indicate the proposed method of watering landscaped areas. Landscape areas along the frontage of Brown Road, Joslyn Road or Jordan Road shall be irrigated. *(amended 07.17.17)*
  - d. The landscape requirements as illustrated in Figures 34.4 and 34.6 through 34.9 are representative. The required number of trees and shrubs may be grouped or clustered within a flexible design arrangement, as long as the minimum quantity of plant materials is provided.
2. Landscape Material Standards. Unless otherwise specified, all landscape materials shall comply with the following standards: Plant materials used in compliance with the provisions of this Section shall be nursery grown, free of pests and diseases, hardy in southeastern portion of the state, in conformance with the American Standards for Nursery Stock of the American Landscape and Nursery Association (formerly the American Association of Nurserymen) and shall have passed inspections required under state regulations.
3. Modifications to Requirements. In consideration of the overall design and impact of a specific landscape plan and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined in this Section, provided that any such adjustment is in keeping with the intent of this Section and this chapter in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:
  - a. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
  - b. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
  - c. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this Section.

V. Zoning Boundaries for the Brown Road Innovation Zone.

**Figure 34.10**  
**Zoning Map for the Brown Road Innovation Zone Area**



**Legend**

- BIZ Zoning Boundary
- A & B (Residential/Commercial)
- A, B & C (Residential/Commercial/Regional Commercial)
- A, B & D (Residential/Commercial/Industrial)
- A, C & D (Residential/Regional Commercial/Industrial)
- B & D (Commercial/Industrial)
- C & D (Regional Commercial/Industrial)

**BROWN ROAD INNOVATION  
 ZONING MAP**

*Charter Township of Orion  
 Oakland County, Michigan*

Carlisle/Wortman Associates, Inc.



**Section 34.04 – Modification of Standards** *(added 06.15.20)*

The Planning Commission shall have the authority to waive or modify the standards of Section 34.03 based upon the economic impact, quality of architectural design, and overall compatibility with the District.

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**Section 35.00 – Preamble**

The purpose of the Lapeer Road Overlay District shall be to allow a greater range of land use options for those areas as designated on the Charter Township of Orion zoning map. Selected commercial uses are allowed as a special use within the overlay district. These uses are viewed as support commercial land uses which will complement the primary office and industrial function of those areas within the overlay district.

**Section 35.01 – Principal Uses Permitted**

(Please refer to the designated zoning within the overlay district.)

**Section 35.02 – Accessory and Special Land Uses**

(Please refer to the designated zoning within the overlay district.)

**Section 35.03 – Planned Unit Development**

Uses listed below may be allowed within a planned unit development project, in accordance with Section 30.03. Allowable uses shall also have frontage on Dutton Road.

- A. Showrooms for kitchen/bath/household fixtures associated with manufacturing.
- B. Automotive retail and service, such as trailer hitches, car stereo, window tinting and similar uses.
- C. Automotive repair, paint and body shop, collision shop.
- D. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, construction equipment.
- E. Mini-storage and warehousing.
- F. Veterinary clinics and animal boarding.
- G. Banks and credit unions, with or without drive-through facilities.
- H. Restaurants, including drive-through restaurants.
- I. Churches.
- J. Hotels and motels.
- K. Large-scale retail exceeding 55,000 square feet.
- L. Uses similar to the above, in accordance with 27.02(E), and which will not create adverse impacts to surrounding uses.

**Section 35.04 – Development Standards**

Buildings and uses in the Lapeer Road Overlay Zoning District shall comply with the following requirements:

- A. Site Design
  - 1. Building Orientation
    - a. Buildings with customer entrances shall orient such entrances towards Lapeer Road.
    - b. Buildings shall be arranged and oriented so that loading docks, outdoor storage, trash collection and processing, HVAC equipment, truck parking and servicing areas and other service functions are not visible from Lapeer Road.
  - 2. Connectivity. The site design must provide direct connections to adjacent land uses. Where feasible, secondary access roads or driveway connections shall be provided.
  - 3. Pedestrian Circulation
    - a. Safety paths shall be provided in accordance with the Safety Path Ordinance No, 97.

- b. Internal sidewalks of no less than five (5) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.

4. Parking

Parking and parking lot design should comply with Section 27.04 in its entirety, and the following standards:

- a. Parking Requirements. Parking requirements shall be based upon the following schedule:
  - 1) One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.
  - 2) One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
  - 3) One (1) parking space per one thousand (1,000) square feet of gross floor area for industrial/manufacturing-related uses.
- b. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking based on evidence provided by the applicant that indicates another standard would be more reasonable, because of the level of current or future employment, and/or the level of current or future customer traffic.
- c. Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of fifty percent (50%) of the total parking provided for the site unless modified by the Planning Commission. Parking should be located to the rear or side of the building to the greatest extent possible.
- d. Setbacks. No parking area or driveway shall be closer than twenty (20) feet to all adjacent property lines. The required setback for parking may be reduced in width or waived by the Planning Commission, subject to landscaping or screening requirements.

5. Outdoor Storage *(added 07.16.18)*

Outdoor Storage shall be located at least five hundred feet (500) feet from a residential zoning district. Outside storage located along the Lapeer Road right-of-way shall be setback at least fifty (50) feet and shall be screened with landscaping and/or fencing in accordance with Section 27.05 (A)(5) and subject to all the regulations contained within Section 27.19 with the exception of the distance to residential zoning district provided for in this Section.

6. Loading and Unloading

- a. Loading and unloading areas shall be located in the rear or side yard.
- b. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
- c. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

7. Lighting

- a. Compliance with Section 27.11. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations for lighting shall apply unless otherwise noted in this Ordinance.
- b. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

8. Landscaping
  - a. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
  - b. A landscaped greenbelt of at least twenty (20) feet in width in the front and rear yards and fifteen (15) feet in width in the side yards shall be provided in the Lapeer Road Overlay District, except where ingress or egress drives are located. The greenbelt shall comply with the standards outlined in Section 27.05.A.4
  - c. Interior parking lot landscaping shall comply with Section 27.05.A.6.
  - d. All landscaping and screening shall be maintained in an attractive, liter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
  - e. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05.
9. Tree Preservation Regulations. The tree permit requirements apply to developments within the Lapeer Road Overlay District, according to the terms of Section 27.12.
10. Wetland Setbacks. The wetland setback requirements apply to all developments in the Lapeer Road Overlay District, according to the terms of Section 27.12
11. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135.

**B. Design Standards**

1. Facades and Exterior Walls:
  - a. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.
  - b. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.
  - c. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).
2. Building Entrances
  - a. Each principal building shall have clearly defined, highly visible customer entrances consisting of a variety of architectural features such as:
    - 1) Canopies, porticos or overhangs;
    - 2) Recesses/projections;
    - 3) Raised corniced parapets over the door;
    - 4) Peaked roof forms;
    - 5) Display windows;
    - 6) Integrated tile work and moldings;
    - 7) Integral planters;
    - 8) Pavement/material changes for pedestrian cross walks.

3. Roofs
  - a. Flat Roofs
    - 1) Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.
  - b. Pitched Roofs
    - 1) Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.
    - 2) The average slope shall be one (1) Foot of vertical rise for three (3) feet of horizontal run.

4. Materials and Colors

- a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.
- b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trip or accent areas.
- d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.

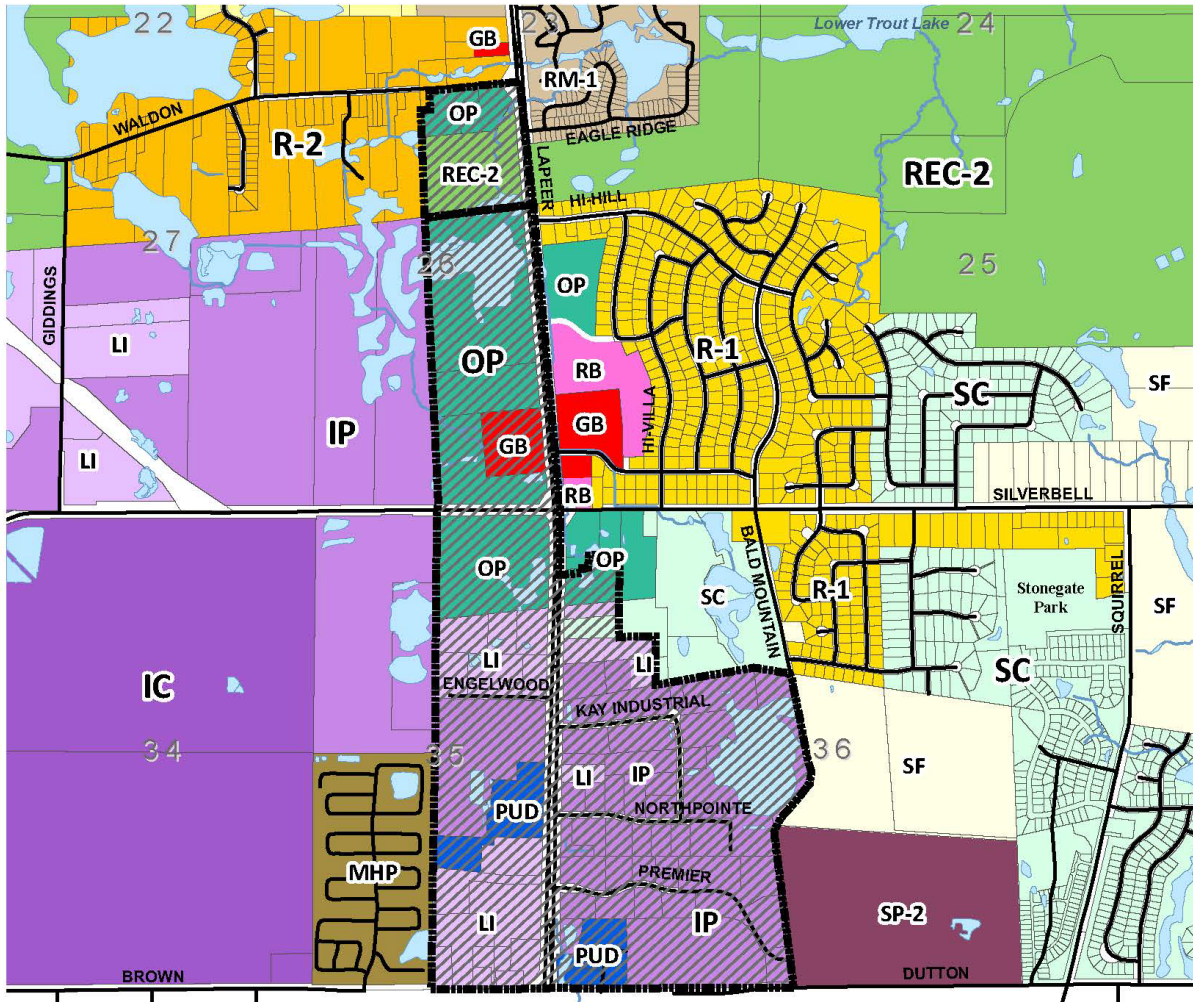
5. Covered Trash Receptacles. *(amended 06.19.23)*

All developments shall utilize a covered trash receptacle housed within an enclosure. The enclosure shall contain three (3) side walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design. The fourth side of the enclosure shall be equipped with an opaque lockable gate that is the same height as the other three (3) sides. These enclosures shall be housed in the rear yard of the building or principal use structure. However, the Planning Commission may, at their discretion, allow the placement of the enclosure in the side yard based on such factors as whether the side yard is an interior side yard or an exterior side yard which is more viewable from a main road and the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property. The Planning Commission may, at their discretion, waive the requirement for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.

6. Screening for Mini-Storage/Warehousing

- a. Individually accessed storage doors for mini-storage facilities shall be screened from view from any public right of way. Loading and unloading areas for warehouses shall be in the rear or side yard unless modified by the Planning Commission as part of a special land use approval.
- C. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
  - D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:
    1. The standards of this Section would prevent reasonable use of the site.

2. Existing site design including architecture, parking, driveways, etc. are placed in a manner which makes application of standard impractical.
3. Limited lot area and the arrangement of existing features provide inadequate space to accommodate design requirements.
4. Other design constraints and considerations as defined by the Planning Commission.



- |  |                                       |
|--|---------------------------------------|
| SF Suburban Farms                              | LI Limited Industrial                 |
| SE Suburban Estates                            | IP Industrial Park                    |
| SR Suburban Ranch                              | IC Industrial Complex                 |
| R-1 Single Family Residential (14,000 sq. ft.) | RFY Railroad Freight Yard             |
| R-2 Single Family Residential (10,800 sq. ft.) | SP-1 Special Purpose 1                |
| R-3 Single Family Residential (8,400 sq. ft.)  | SP-2 Special Purpose 2                |
| RM-1 Multiple Family residential               | REC-1 Recreation 1                    |
| RM-2 Multiple Family Residential               | REC-2 Recreation 2                    |
| MHP Mobile Home Park                           | PUD Planned Unit Development          |
| OP Office and Professional                     | P Parking                             |
| RB Restricted Business                         | Lapeer Road Overlay Zone              |
| GB General Business                            | Conditional Rezoning                  |
|  | Special Circumstances (Call Township) |

**LAPEER ROAD  
OVERLAY ZONE**  
Charter Township of Orion  
Oakland County, Michigan



Carlisle/Wortman Associates



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