1. CALL TO ORDER
2. INVOCATION AND PLEDGE
3. PUBLIC HEARING 7:00 P.M. - MDNR Trust Fund Grant: Sheardy Pavilion Grant Application
4. RECOGNITION
   A. Citizen of the Month
   B. Green-Up Awards
5. PROCLAMATION - Child Abuse Prevention & Awareness Month - April
6. APPROVAL OF BILLS
7. PUBLIC COMMENT (3 minutes or less) *Board does not respond during public comment
8. APPROVAL OF AGENDA
9. CONSENT AGENDA
   A. Minutes - Special Meeting, March 2, 2020
   B. Minutes - Regular Meeting, March 2, 2020
   C. Minutes - Special Meeting, March 9, 2020
   D. Budget Adjustment - Fire Department
   E. Hire Firefighter
   F. Hire Part-time Building Clerk
   G. Peddler/Solicitor Application - Knights of Columbus
   H. CIA 2019 Annual Report
   I. Traffic Signal Installation and Maintenance – Clarkston Road
   J. Resolution - Charitable Gaming License for Lake Orion Theatre Boosters
10. PENDING
    A. Nuisance Ordinance discussion
    B. PC-2019-38 Text Amendment - Zoning Ord No. 78, Articles 2,5,6,14,16,24,27,30 & 34
    C. Action After Hearing - Sheardy Pavilion Trust Fund Grant Application
    D. Jordan Pocket Park
11. REPORTS
    A. Building Department 2019 Annual Report
    B. Police/Fire Reports
    C. Free Disposal Day at Eagle Valley
12. BOARD MEMBER COMMENT
13. PUBLIC COMMENT *Board does not respond during public comment
14. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at (248) 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
To: Orion Township Board of Trustees
From: Aaron Whatley, Parks & Recreation Director

Meeting Date: March 16, 2020
Memo Date: March 12, 2020
Subject: Public Hearing: Sheardy Pavilion Grant Application

REQUEST
Attached please find information related to the Sheardy Pavilion Grant Application. The purpose of the hearing is to obtain public comment related to the grant. The hearing was scheduled by the Board on 3/9/2020, and notice of the Public Hearing was duly published in the Oakland Press on 3/12/2020.
CHARTER TOWNSHIP OF ORION  
COUNTY OF OAKLAND, STATE OF MICHIGAN  
RESOLUTION:  
For Application to the Michigan Natural Resources Trust Fund Grant

At a regular meeting of the Charter Township of Orion Board of Trustees held on Monday, March 16, 2020, the following Resolution was offered by _____ and supported by _____.

Whereas; the Township of Orion adopted a 5-Year Parks & Recreation Master Plan (2019-2023); and

Whereas; the Parks & Recreation Master Plan has identified several priorities, one of which is improvements to the Sheardy Pavilion at Civic Center Park, and

Whereas, the 2020 Michigan Natural Resources Trust Fund (MNRTF) has grant funds available for the construction costs of the pavilion improvements, and

Whereas; the Orion Township Board of Trustees believes it to be appropriate to submit an application for a MNRTF grant in the amount of $300,000, 75% of the total construction cost, and

Whereas, the Township Board has identified sources of funding to secure the local 25% match, which would total $103,000. This match consists of $103,000 from Parks & Recreation funds.

NOW, THEREFORE, BE IT RESOLVED that the Township of Orion hereby resolves to take all actions necessary to submit a 2020 Township of Orion Michigan Natural Resources Trust Fund (MNRTF) grant application in connection with the above referenced Sheardy Pavilion Improvements, as outlined in the application.

AYES:

NAYS:

ABSENT:

Certification: I, Penny S. Shults, duly elected Clerk of the Charter Township of Orion, do hereby certify that the foregoing is a true copy of a resolution adopted by the Charter Township of Orion Board of Trustees at a Regular Meeting held on Monday, March 16, 2020, at 7:00 p.m. at Orion Township Hall, 2525 Joslyn Rd., Lake Orion, Michigan 48360.

Signed: _________________________
Penny S. Shults, Clerk
Charter Township of Orion
Date: _________________________
***NOTICE***

CHARTER TOWNSHIP OF ORION
BOARD OF TRUSTEES

PUBLIC HEARING
Sheardy Pavilion Trust Fund
Grant Application

The Charter Township of Orion Board of Trustees will hold a Public Meeting on Monday, March 16, 2020 at 7:00 p.m. at the Orion Township Hall, 2525 Joslyn Rd., Lake Orion, to approve the Sheardy Pavilion Trust Fund Grant Application Resolution.

Penny S. Shults, Clerk
Charter Township of Orion

Posted: 3/11/2020
Published: 3/12/2020

In the spirit of compliance with the Americans with Disabilities Act, individuals with a disability should feel free to contact Penny S. Shults, Clerk, at 391-0304, ext. 4001, at least seventy-two hours in advance of the meeting to request accommodations.
Charter Township of Orion
Oakland County, Michigan

Proclamation
National Child Abuse Prevention & Awareness Month

By the Supervisor of the Charter Township of Orion

Whereas, abuse and neglect are suffered by children in our communities, regardless of age, race, gender or economic situation, and

Whereas, one in 10 children will be sexually abused before the age of 18, and

Whereas, this reported maltreatment is only a portion of the overall problem threatening our children, for so many cases go unreported, and today’s technology has brought with it a new and dangerous form of child endangerment, the online predator, and

Whereas, the devastating consequences of physical and emotional abuse of our children effects the community as a whole and finding solutions need to be attended to by the community as a whole, and

Whereas, CARE House of Oakland county (home of Child Abuse and Neglect Council of Oakland County) works to break the cycle of child abuse and neglect; provides a protective circle of light and hope for a better life; advocates for the safety and protection of children; and partners with community organizations and agencies to offer programs and services aimed at preventing child abuse.

Now, Therefore, I, Chris Barnett, Supervisor of the Charter Township of Orion, do hereby proclaim the month of April as National Child Abuse Prevention & Awareness Month in the Charter Township of Orion and call upon all citizens, community agencies and organizations and businesses to increase their participation in our efforts to prevent the abuse of our children, thereby strengthening and protecting the community in which we live.

Chris Barnett, Supervisor
Charter Township of Orion

Issued March 16, 2020
3/16/2020

INVOICES

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<td>3/5/2020</td>
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<td>Non Board Bills</td>
<td>3/12/2020</td>
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<td>3/16/2020</td>
<td>$712,671.30</td>
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Total Invoices $766,823.80

void #129323 Revised Invoice ($7,401.50)
void #E1176 Revised Invoice ($1,161.41)

Total Invoice Disbursements $758,260.89

PAYROLL

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<tr>
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<th>Amount</th>
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<tr>
<td>Regular Pay</td>
<td>3/4/2020</td>
<td>$216,698.78</td>
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Total Payroll Disbursements $216,698.78

Grand Total Disbursements $974,959.67

Due to the conversion to the Pooled Cash Fund, total disbursements now include all refunds from deposits, bonds, escrow & payroll deductions.

Prepared by Tandem Graves, AP/PA Coordinator
1. CALL TO ORDER. The Charter Township of Orion Board of Trustees held a special meeting on Monday, March 2, 2020 at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan. Supervisor Barnett called the meeting to order at 6:00 p.m.

BOARD MEMBERS PRESENT: Chris Barnett, Donni Steele, Brian Birney, Julia Dalrymple, John Steimel

BOARD MEMBERS ABSENT: Penny Shults and Mike Flood (absent, with notice)

OTHERS PRESENT:
Scott Reynolds
Sam Ashley
Jeff Stout
Jacob Gardner
Lt. Dan Toth
Chief Rob Duke
John Pender
Bill Basigkow

A tour of the new construction at Orion Fire Station #3 and the DPW Garage was conducted. Project Completion Summaries were provided.

ADJOURNMENT. The Board returned to Orion Township Hall to start the regular meeting that was scheduled for 7:00 p.m.

Transcription: P. Shults

Penny S. Shults, Clerk

Chris Barnett, Supervisor
Charter Township of Orion
1. CALL TO ORDER. The Charter Township of Orion Board of Trustees held a regular meeting on Monday, March 2, 2020 at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan. Supervisor Barnett called the meeting to order at 7:07 p.m.

BOARD MEMBERS PRESENT: Chris Barnett, Donni Steele, Brian Birney, Julia Dalrymple & John Steimel

BOARD MEMBERS ABSENT: Penny Shults & Mike Flood, absent with notice.

OTHERS PRESENT: Nathan Schlenkert, Aidan Horne, Jenn Schlenkert, Theresa Fougnie, Mike Campayuoni, Sandra Dyl, Lil Hutchison, Gary Roberts, Eileen Nolton, George Hanley, Dan Toth, Dave Hodgkins

2. INVOCATION AND PLEDGE: Pastor Steve Sanders, Lake Orion Baptist Church gave the Invocation. All rose for the Pledge of Allegiance.

3. RECOGNITION:
   A. Harold Rossman was honored for his appointment as Village of Lake Orion Police Chief.
   B. Deputy Cortney Johnson was recognized by Lt. Dan Toth and the Oakland County Sheriff Department for achieving her Bachelor Degree in Criminal Justice and Social Science.

4. APPROVAL OF BILLS. Moved by Treasurer Steele, seconded by Trustee Steimel to authorize payment of bills in the amount of $1,097,336.33 and payrolls in the amount of $212,121.38, for a total disbursement of funds in the amount of $1,309,457.71, as presented.
   AYES: Barnett, Birney, Dalrymple, Steimel, Steele
   ABSENT: Shults, Flood
   NAYS: None
   MOTION CARRIED

5. PROCLAMATION - Arbor Day. Supervisor Barnett gave a Proclamation that April 25th be known and celebrated as Arbor Day in Orion Township.

6. PUBLIC COMMENT: Public comment was heard.

7. APPROVAL OF AGENDA. Supervisor Barnett added 9.E. Resolution to Oppose HB 550 and John Steimel requested the time limit be removed from the last Public Comment.

Moved by Trustee Steimel, supported by Treasurer Steele to approve the agenda, as amended.
MOTION CARRIED

8. CONSENT AGENDA.
A. Minutes - Regular Meeting, February 18, 2020. Approve, as presented.

B. 2020 Road Chloride Program. Award the 2020 chloride contract to the Road Commission for Oakland County in the amount of $59,837.40 for five (5) applications and approve the necessary budget adjustment.

C. Planning Commission & Zoning Board of Appeals 2019 Annual Reports. Receive and file the Planning Commission and Zoning Board of Appeals 2019 Annual Reports, as presented.

D. Accept Employee Resignation. Accept the resignation of Lori Exel, Clerk – Building/Assessing with regret and authorize posting/advertising the vacant position.

E. Accept Employee Resignation. Accept the resignation of Mitch Wither, full-time Firefighter with regret and authorize filling the vacant position.

F. Schedule Police/Fire Millage Discussion Workshop. Schedule a Board Workshop for April 6, 2020, 6:00 p.m.

G. Schedule Township Hall/Sheriff Substation Workshop. Schedule a Board Workshop on March 16, 2020, 6:00 p.m. to discuss the Township Hall and Sheriff Substation.

H. Water Reliability Study. Authorized moving $36,800.00 for the purposes of moving forward on the Water Reliability Study and Master Plan Update, from account 592-548-976 Capital Outlay Sewer, into account 592-556-806 Contractual Help Water, and to authorize the accounting controller to make the budget adjustment with the understanding that DPS is not asking for additional funds from Fund Balance, but rather just a relocation of funds.

I. Cell Tower Easement at Fire Station #2. Approve the DTE Electric Company Overhead and Underground Easement with DTE Electric Company with modifications as recommended by the Township Attorney and approved by the Township Supervisor and, upon being finalized, authorize the Supervisor and Clerk to execute same.

J. Fencing Project/Friendship Park Ballfields 1 & 4. Authorize proceeding with the Friendship Park Ballfields 1 & 4 fencing project, at a cost not to exceed $10,040.00.

Moved by Trustee Birney, supported by Trustee Dalrymple to approve the Consent Agenda, as amended. AYES: Steele, Birney, Dalrymple, Steimel, Barnett  ABSENT: Shults, Flood

NAYS: None  MOTION CARRIED

9. PENDING BUSINESS.

A. Tri-Party Discussion. Moved by Treasurer Steele, supported by Trustee Birney to receive and file the update. MOTION CARRIED
B. **Waldon Road Cost Participation Agreement.** Moved by Treasurer Steele, supported by Trustee Birney to authorize the Supervisor to sign the Cost Participation Agreement for the Waldon Road (Clintonville to Baldwin) preliminary engineering. AYES: Dalrymple, Steimel, Barnett, Steele, Birney  ABSENT: Shults, Flood  NAYS: None  MOTION CARRIED

C. **Pure Michigan Trail Town.** Moved by Supervisor Barnett, supported by Trustee Birney to receive and file and promote Pure Michigan Trail Town.  MOTION CARRIED

D. **Hire Part-time Building Clerk.** Moved by Trustee Steimel, supported by Trustee Birney to postpone action.  MOTION CARRIED

E. **Resolution – Oppose House Bill 5500.** Moved by Trustee Birney, supported by Trustee Dalrymple to adopt the Resolution to Oppose House Bill 5550 and to Affirmatively State Local Safeguards Within any Regional Transit Authority Millage Proposal, as presented. AYES: Barnett, Steele, Birney, Dalrymple, Steimel  ABSENT: Shults, Flood  NAYS: None  MOTION CARRIED

**10. REPORTS.**

A. **Midwest Strategy Group Update.** Moved by Treasurer Steele, supported by Trustee Birney, to receive and file the report, as presented.  MOTION CARRIED

B. **Police/Fire Reports.** Moved by Trustee Steimel, supported by Trustee Birney, to receive and file the report, as presented.  MOTION CARRIED

C. **SCS Economic Development Activities in 2019.** Moved by Trustee Steimel, supported by Trustee Dalrymple, to receive and file the report, as presented.  MOTION CARRIED

D. **MMRMA Financial Report.** Moved by Treasurer Steele, supported by Trustee Birney, to receive and file the report, as presented.  MOTION CARRIED

11. **PUBLIC COMMENT.** Public comment was not heard.

12. **BOARD MEMBER COMMENT.** Board member comments were heard.

13. **ADJOURNMENT.** Moved by Trustee Steimel, seconded by Trustee Steele to adjourn.  MOTION CARRIED. The meeting was adjourned at 8:42 p.m.

Transcription: P. Shults

Penny S. Shults, Clerk

Chris Barnett, Supervisor
Charter Township of Orion
1. **CALL TO ORDER.** The Charter Township of Orion Board of Trustees held a special meeting on Monday, March 9, 2020 at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan. Supervisor Barnett called the meeting to order at 4:37 p.m.

**BOARD MEMBERS PRESENT:** Chris Barnett, Penny Shults, Donni Steele, Brian Birney, Julia Dalrymple

**BOARD MEMBERS ABSENT:** John Steimel and Mike Flood (*absent, with notice*)

**OTHERS PRESENT:** Dalrymple children

**PENDING BUSINESS.**

A. **Set Public Hearing – Sheardy Pavilion Trust Fund Grant Application.** Moved by Clerk Shults, supported by Trustee Birney to set the date for the Sheardy Pavilion Trust Fund Grant Application Public Hearing and possible adoption for 7:00 p.m. on Monday March 16, 2020, and direct the Clerk to publish the proper legal notice. AYES: Barnett, Shults, Birney, Dalrymple, Steele ABSENT: Steimel, Flood MOTION CARRIED

**ADJOURNMENT.** Moved by Trustee Birney, seconded by Trustee Dalrymple to adjourn. MOTION CARRIED. The meeting was adjourned at 4:38 p.m.

_____________________________
Penny S. Shults, Clerk

_____________________________
Chris Barnett, Supervisor
Charter Township of Orion
Agenda Item Summary

To: Chris Barnett, Supervisor
   Board of Trustee’s

From: Robert Duke, EFO
   Fire Chief

Meeting Date: March 16, 2020
Memo Date: March 4, 2020
Subject: Fire Department – Budget Adjustment

REQUEST:

The Fire Department is requesting a budget adjustment for funds to be allocated from the Fire Dept. Fund Balance to cover the cost of iPADs, iPhones, and accessories in the amount of $7,019.91.

REASON:

The township made a wholesale change from the prior cellular vendor to a new vendor for all technology/cellular services, which required the need to purchase all new iPADs, iPhones, and accessories. This expense was not budgeted for in the 2020 budget process. The Fire Department does not have funds available in other budget line items to cover this large, unexpected expense.

PROCESS:

The township changed the technology/cellular service vendor.

BUDGET

If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>Project/Grant Tracking?</th>
<th>Expected Invoice Date:</th>
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<tbody>
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</table>

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<tr>
<th>Fund Name</th>
<th>Description</th>
<th>Fund Balance Amount</th>
<th>Requested Transfer Amount to 206 Fund</th>
<th>Remaining Fund Balance</th>
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<td>$168,868</td>
<td>$7,019.91</td>
<td>$161,848.09</td>
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RECOMMENDATION (Motion)

Authorize the Fire Department to use Fund Balance monies for the expense already incurred for iPADs, iPhones, and accessories, as mandated by the Township and direct the Accounting Controller to make the necessary Budget Adjustment, and place the transferred funds into Operating Supplies - 206-336-740.
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<tr>
<th>Date</th>
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<td><strong>TOTAL</strong></td>
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<td><strong>$7,019.91</strong></td>
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</table>
Agenda Item Summary

To: Chris Barnett, Supervisor
   Board of Trustees

From: Robert Duke, EFO
   Fire Chief

Meeting Date: March 16, 2020
Memo Date: March 4, 2020
Subject: Hire Firefighter

REQUEST:
The Fire Department is requesting approval to hire one (1) Firefighter.

REASON:
Hire one (1) Firefighter to replace a firefighter (Mitch Wither) that resigned.

PROCESS:
The Fire Department has established an eligibility list for the position of Firefighter. The list has been established from the Firefighter testing process that is currently in place. Outside candidate, Jason Keef, has completed and passed the testing process and is being vetted by the Township Supervisor. He is being recommended for employment with the Orion Township Fire Department.

BUDGET
If yes, fill out information below:

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<tr>
<th>Financial Item?</th>
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<td>Reviewed by Budget Director?</td>
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<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
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</thead>
</table>

RECOMMENDATION (Motion)

To authorize the Fire Department to hire one (1) Firefighter to fill the vacancy due to the resignation of a firefighter, contingent upon passing all required pre-employment tests and checks.
Agenda Item Summary

To: Board of Trustees  
From: Chris Barnett, Supervisor

Meeting Date: March 16, 2020  
Memo Date: March 12, 2020  
Subject: Hire Part-time Clerk – Building Department

**REQUEST:**
The Board previously approved filling the position of a part-time Clerk – Building Department. Interviews and testing were conducted by Deanna Calloway, Human Resources Generalist and David Goodloe, Building Official. The recommendation is to hire Hollie Bardecki.

**REASON:**

**PROCESS:**

**BUDGET**
If yes, fill out information below:

| Financial Item? | ☒ | Project/Grant Tracking? | ☐ |
| Expected Invoice Date: | Click or tap to enter a date. | Reviewed by Budget Director? | ☐ |

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<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

**RECOMMENDATION (Motion)**
Hire Hollie Bardecki as part-time Clerk – Building Department, a Level 3 Technical Unit union position at $15.88 per hour, 29 hours per week, no benefits, with a start date of April 2, 2020, contingent upon passing all applicable tests and screening.

attachment (Board Only)
Agenda Item Summary

To: Orion Township Board of Trustees
From: Penny S. Shults, Clerk
Meeting Date: March 16, 2020
Memo Date: March 5, 2020
Subject: Peddler/Solicitor License Application: Knights of Columbus Annual Tootsie Roll Fundraiser

REQUEST
The Knights of Columbus have sent a letter to notify the Township of their intent to conduct their annual “Tootsie Roll” fundraiser on April 3-5, 2020

REASON
Pursuant to Section 9.B of Ordinance No. 95, Peddlers & Solicitors Regulation, “…recognized nonprofit organizations may be exempt from one or more of the provisions of this ordinance upon application to the Township Board.” Also, under Section 9.D., “Exemptions under this subsection may be granted by the Board as its sole discretion and under any conditions the Board may proscribe.”

PROCESS

BUDGET
If yes, fill out information below:

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<th>Financial Item?</th>
<th>Project/Grant Tracking?</th>
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Expected Invoice Date: Click or tap to enter a date.

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<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)
Orion Township
2525 Joslyn Road
Lake Orion, MI 48360
Attn: Penny Shults - Township Clerk

March 5, 2020

Dear Ms. Shults,

The Father Thomas R. Carey Council Knights of Columbus #4764, Lake Orion will be conducting its annual Michigan Tootsie Roll Fundraiser on April 3-5, 2019. We are respectfully requesting permission to be on several street corners and in front of businesses throughout Orion Township from 9:00 A.M - 6:00 P.M. each day in an effort to solicit donations to support individuals with mental disabilities.

Knights of Columbus donates 100% of the proceeds from this drive to the following organizations:
- Lake Orion High School Special Olympics
- Special Olympics of Oakland County
- Special Olympics of Genesee County
- NOVA - Mentally Impaired with special needs workshop
- SCAMP - Provides support for individuals and families with special needs.

Through this campaign in 2019, we collected over $14,000. We are looking forward to another successful campaign this year.

Orion Township has been very supportive of this drive in the past. It would be greatly appreciated if the Township Board would support us again by approving this request. You may contact us via mail to the above address, fax to 248-693-4285 or email to gwillick17@gmail.com.

Thank you for your past support and thank you for your time and consideration.

Sincerely,

Gary Willick
Chairman
(248) 909-6798

Note: Knights of Columbus Michigan State Council carries a $2,000,000 General Liability Insurance coverage for this event
Agenda Item Summary

To: Township Board Members

From: Chris Barnett, Township Supervisor

Meeting Date: March 16, 2020

Memo Date: March 12, 2020

Subject: CIA 2019 Annual Report

REQUEST

Attached please find a copy of the CIA 2019 Annual Report, which was approved by the Corridor Improvement Authority Board at its regular meeting on March 11, 2020, with an amendment to the second point on Priority One Brown Road Improvements (page three) to “The CIA is paying a $20,000 annual administrative expense to Orion Township.”

RECOMMENDATIONS (Motions)

Receive and file the report, and send a copy to Oakland County, per the Township’s agreement with them regarding the same.
March 11, 2020

ANNUAL REPORT OF THE ORION TOWNSHIP CORRIDOR IMPROVEMENT AUTHORITY

Executive Summary Report on the activities of the Orion Township’s Corridor Improvement Authority (CIA) approved by the Orion Township Board of Trustees on May 15, 2016 for the period ending December 31, 2019.

OVERVIEW:
This report is intended to summarize the activities of the Orion Township CIA for the reporting period. The reporting period is from January 1, 2019 to December 31, 2019. The prior period reports, this report, minutes of CIA Board meetings, and other CIA related information is available for public review on the Orion Township website at www.oriontownship.org, and at the Clerk’s Office at the Orion Township offices located at 2525 Joslyn Road, Lake Orion, Michigan 48360.

CIA PLAN RECAP AND SUMMARY OF ACTIVITIES:
In summary, the CIA Plan approved in May 2016 is divided into three priorities. Priority One is the engineering, property acquisition, watermain relocation, and hard cost of widening Brown Road from Joslyn Road to Baldwin Road from three lanes to five lanes (two each way plus a center turn lane). Priority Two is the Baldwin Road streetscape, which will follow the route of the first phase of the Road Commission for Oakland County (RCOC) project from Brown Road to Gregory Road. Priority Three is other enhancements intended to improve the appearance and other components to stimulate development of the District. The total estimated cost of all three Priorities is slightly over $8,000,000. A partial breakdown of these costs and budget to actual is discussed later in this report.

To support these Priorities, the CIA has embarked on a not-to-exceed 20-year tax capture of 50% of the eligible taxes collected; the incremental increases in taxable values in the District from 2016 from the stakeholder taxing jurisdictions, in accordance with Public Act 280. Although there is, and always will be, variance with the budget to the actual timing of these increases, the increase in taxable value begins from a real estate taxable value floor of slightly under $31,000,000 in 2016 to a projected taxable value of just under $199,000,000 in 2035, as projected in the original plan. If this projection were accomplished without variance, the original projection would generate $13,911,000 +/-, which is deemed sufficient to cover the hard cost of the Priorities, interest (at 4%), and soft costs.

All activities are overseen by the appointed seven-member CIA Board. This board meets in publicly noticed sessions on a quarterly basis and, once approved, minutes of each meeting are posted on the Orion Township website. The stakeholder taxing jurisdictions participating in the CIA are individually noticed in advance of CIA Board meetings by the Orion Township administration.

The very first, and clearly threshold activity of the CIA, was to seek approval from all of the applicable taxing authorities. Presentations, in some cases on multiple occasions, conveyed the plan and its anticipated long-term benefits to the community and each agency. The applicable taxing authorities include Oakland County TIF and Finance Committees, Oakland County Board of Commissioners, Oakland County
Community College, Oakland County Parks, North Oakland Transportation Authority, Orion Township Library Board, and the Huron Clinton Metro Parks Authority (HCMA).

These presentations were prepared with input from the CIA Board and were conducted under the leadership of CIA Board Chairman Barnett, supported by Township Economic Development Consultant Strategic Communications Solutions (SCS) and other advisors. This task is nearly complete with all agencies agreeing to opt-in, except the HCMA. An HCMA policy of opting out remains in place, although the Orion Township CIA remains hopeful that a new policy is forthcoming.

In 2018, The remaining details of the Priority One action items relative to the Brown Road widening were completed. The CIA, through its engineering consultant OHM Advisors, skillfully managed all aspects of the engineering, entitlement, and construction components of the road project to bring it in on time and under budget (summarized below). This effort required the acquisition of two properties and approximately 18 grading easements to achieve engineering and safety standards. It is noteworthy that the two properties acquired for this purpose, 95 Brown Road and 313 Brown Road, have been resold to the private sector for commercial development, as anticipated. 95 Brown Road has been sold to a hotel developer and 313 Brown Road is currently under construction by Pulte Homes to be a component of a larger residential project.

Predictably, the traffic congestion relief and private sector development feedback about the Brown Road improvements has been outstanding. The road improvement is, and will continue to be, a key catalyst in repositioning the Brown Road Innovation Zone District (BIZ) properties and in turn, the overall image of two key southern gateways to the community. It is also noteworthy that the Planning and Zoning Director and Planning Commission have contributed greatly to this image-initiative through the design and implementation of new standards for lighting, landscape, and architectural features along the Brown Road frontage, which will be required by individual applicants in the site plan approval process.

In response to multiple opportunities for public input, including a specifically designed public forum charrette on the Baldwin Road streetscape and pedestrian scale amenities, conceptual streetscape design has been completed on Priority Two. Preliminary designs for the proposed pocket park locations at Jordan Road and Baldwin Road, and Gregory Road and Baldwin Road are in process. The land transfers to Orion Township to facilitate the pocket parks from surplus RCOC Baldwin Road real estate was completed in 2018. Unfortunately, labor and weather issues delayed the completion of the first phase of the RCOC Baldwin Road project until January of 2019, thereby delaying the start of the related streetscape work until spring of 2019. A portion of the Priority Two work was completed in 2019.
Summary of budget to actual expenditures through 2019 and projected through 2021 is presented in Attachment I. The following points are noteworthy:

**PRIORITY ONE BROWN ROAD IMPROVEMENTS:**
- The acquisition, design, and construction costs are budgeted in the plan at $5,085,000. Currently, the total of those items is $5,127,754 less $710,000 to be received by the CIA for the sale of the acquired properties: 95 Brown Road and 313 Brown Road. As a result, the expenditures for Priority One are $4,417,754; representing a net savings of $667,246 for Priority One.
- It should also be noted that in addition to $710,000 of cash proceeds, the developer of the 313 Brown property is also providing $65,000 toward the Jordan Road pocket park on an in-kind basis.
- The CIA is paying a $20,000 annual administrative expense to Orion Township.

**PRIORITY TWO BALDWIN STREETSCAPE:**
- The CIA Plan budgets the Baldwin Road streetscape plan at $2,199,000. To date, approximately $555,488 has been spent or been committed on planning, DTE Lighting, and RCOC contractor payments. The total expenditures in this Priority Two category are expected to be $1,575,488.

**PRIORITY THREE OTHER ENHANCEMENTS:**
- The CIA Plan budgets $800,000 for additional enhancements. The reader will note that the total expenditures in this category is expected to be $1,891,000. The difference in budget to actual represents a re-classification of Priority One and Priority Two budget savings to facilitate further CIA District area enhancements for design continuity along the Baldwin Road corridor, which will maximize the investment in terms of practicality and visual impact while maintaining an overall positive (below) budget variance.

**GRAND TOTAL:**
The total improvement expenditures budgeted in the May 2016 approved CIA Plan are $8,084,000. The net CIA expenditures, after deducting land sales that were not budgeted, is now projected to be $8,055,157.
Increases in taxable value in real property and personal property within the CIA District limits is the essence of this and any TIF project. Increases are realized by new improvements and inflationary increases on existing properties with no change. All of the values in the approved May 2016 CIA Plan are estimated and projected.

Comparison of the budget to actual, as determined by Oakland County Assessing, are as follows:

Oakland County initially established the base year amount as $35,257,840.

**CIA TAXABLE VALUES:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Budgeted in Plan</th>
<th>Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$30,804,520</td>
<td>$36,225,890</td>
</tr>
<tr>
<td>2017</td>
<td>$40,324,633</td>
<td>$37,519,730</td>
</tr>
<tr>
<td>2018</td>
<td>$58,774,733</td>
<td>$39,139,660</td>
</tr>
<tr>
<td>2019</td>
<td>$68,702,616</td>
<td>$51,009,920</td>
</tr>
</tbody>
</table>

It is noteworthy here that timing variance has a significant impact on taxable values as it relates to any given project. For example, a project which acquires obsolete houses and commences construction in the fall, could for that year have a negative variance because the previously taxed home is removed and the new construction has little or no taxable value at December 31, which is the only relevant day from the County assessing standpoint. That increment will therefore wait a full year, or in some cases two years, to be realized, as was the case with Menards in 2017. Multiple projects commenced construction in 2019 and will contribute in 2020.

**CIA TAX INCREMENT DOLLARS COLLECTED:**

<table>
<thead>
<tr>
<th>Year</th>
<th>Budgeted in Plan</th>
<th>Collected by CIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$0</td>
<td>$6,828</td>
</tr>
<tr>
<td>2017</td>
<td>$76,408</td>
<td>$15,928</td>
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<tr>
<td>2018</td>
<td>$203,148</td>
<td>$30,583</td>
</tr>
<tr>
<td>2019</td>
<td>$275,254</td>
<td>$112,767</td>
</tr>
</tbody>
</table>

**CIA DISTRICT MARKETING ACTIVITY:**

The area within the CIA District is approximately 400 acres of land. Predictably, since the completion of the majority of the Brown Road improvements, the BIZ-zoned portion of the CIA District has seen more meaningful new development activity than in any time in Township history. The infrastructure improvements and promotional activities of the CIA are clearly having the intended impact. It is important to keep in mind that Orion Township lead activities do not represent any specific properties (except 313 Brown Road) or any specific transactional elements, but instead focus on representing the concept and opportunities for the community in the CIA District. This is done through the dissemination of promotional materials, and meetings with prospective developers, land brokers, sellers, and other prospective stakeholders. The CIA tracks an active pipeline of projects and again, activity remains very strong, but is not assurance of future performance of the District.
NOTES ON CIA REPORTING REQUIREMENTS:
Beginning in 2018, The CIA took proactive steps to comply with PA 57 of 2018, which is the new 2019 State of Michigan TIF reporting requirements. To ensure transparency, all reports, minutes, and current budgets are posted under the CIA tab on the Orion Township website, www.oriontownship.org. Contact information for all Township officials can similarly be found on the website. CIA Board meetings are publicly noticed and held quarterly. Records of the CIA are audited by Plante Moran annually as a part of the Orion Township requisite process. PA 57 is effective January 1, 2019, and the Orion Township CIA intends full compliance.

Should anyone have any questions with regard to the information provided herein, please contact the undersigned.

Respectfully submitted,

Chris Barnett, Chairman
Orion Township Corridor Improvement Authority
## Orion Township CIA

### 2020 Budget

<table>
<thead>
<tr>
<th>Attachment 1</th>
<th>Orion Township Corridor Improvement Authority 2020 Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Orion Township CIA</strong></td>
<td><strong>Project to be Spent</strong> <strong>Spent to Date</strong> <strong>Future Spent 2021+</strong> <strong>Total</strong> <strong>Original Budget</strong></td>
</tr>
<tr>
<td><strong>Brown Road Project</strong></td>
<td><strong>Remainder of 2019</strong> <strong>Spent to Date</strong> <strong>Budjet 2020</strong></td>
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<tr>
<td>Property Acquisition</td>
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<td>Easement Appraisals</td>
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<td>Property Purchases</td>
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<tr>
<td>95 Brown</td>
<td>$278,644.55</td>
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<tr>
<td>155 Brown</td>
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<tr>
<td>95 Brown</td>
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<tr>
<td>Property Taxes 313/95</td>
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<td>Easement Acquisition Services</td>
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<td>Oakland County</td>
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<tr>
<td>Easement Document Preparation</td>
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<tr>
<td>Preliminary Planning and Engineering</td>
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<tr>
<td>CIA Setup</td>
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<tr>
<td>Brown Road Project Scoping</td>
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<td>Misc Support</td>
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<tr>
<td>313 Brown</td>
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<tr>
<td>95 Brown</td>
<td>$2,956.30</td>
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<tr>
<td>Design Services</td>
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<td>Construction Services</td>
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<td>Geotech Services</td>
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<td>G2 Consulting</td>
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<td>Contractor Payments</td>
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<td>Misc Contractor Payments</td>
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<td><strong>Totals</strong></td>
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### Baldwin Road Streetscape

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<tr>
<th><strong>Project to be Spent</strong></th>
<th><strong>Spent to Date</strong></th>
<th><strong>Future Spent 2021+</strong></th>
<th><strong>Total</strong></th>
<th><strong>Original Budget</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Services Total</td>
<td>$676,630.00</td>
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<td>Concept Planning</td>
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<tr>
<td>Constr. Documents Phase I</td>
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<tr>
<td>Constr. Documents Phase II (outside RCOC)</td>
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<td>Construction Total</td>
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<tr>
<td>DTE Lighting Phase I and III*</td>
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<td>Construction Services Phase II</td>
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<tr>
<td>RCOC Contractor Payments Phase I</td>
<td>$55,551.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$55,551.00</td>
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<tr>
<td>Water main and decorative improvements (rcoc project #52021)</td>
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<td>Construction Services Phase III</td>
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<td>Orion Twp. Contractor Payments Phase III</td>
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<td>Pocket Parks</td>
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<tr>
<td>Professional Services</td>
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<tr>
<td>Property Taxes</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>Contractor Payments</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td><strong>Totals</strong></td>
<td>$552,988.48</td>
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<td>$130,000.00</td>
<td>$890,000.00</td>
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</tbody>
</table>
## Orion Township CIA 2020 Budget

### Priority 3 CIA Budgeted Projects

<table>
<thead>
<tr>
<th>Project to be Spent</th>
<th>Spent to Date</th>
<th>Future Spent 2021+</th>
<th>Total</th>
<th>Original Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldwin Streetscape Phase II</td>
<td>$620,704.19</td>
<td>$10,000.00</td>
<td>$560,000.00</td>
<td>$1,280,704.19</td>
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<tr>
<td>DTE Lighting</td>
<td>$37,538.90</td>
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<td>$37,538.90</td>
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<tr>
<td>Contractor Payments</td>
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<td>$1,035,790.00</td>
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<td>Construction Services Phase II</td>
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<td>$10,000.00</td>
<td>$30,000.00</td>
<td>$16,771.16</td>
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<tr>
<td>Identify Catalyst Projects to Stimulate Corridor</td>
<td>$124,910.24</td>
<td>$45,500.00</td>
<td>$441,000.00</td>
<td>$781,210.24</td>
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<tr>
<td>Strategic Plan</td>
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<td>$0.00</td>
<td>$110,000.00</td>
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<tr>
<td>Economic Development Consultant</td>
<td>$64,000.00</td>
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<td>Legal Support</td>
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<td>$5,000.00</td>
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<td>Specific Maintenance</td>
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<td>$30,707.86</td>
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<tr>
<td>Administrative Fees</td>
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<td>$20,000.00</td>
<td>$30,000.00</td>
<td>$105,000.00</td>
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<tr>
<td>Audit</td>
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<td>$2,000.00</td>
<td>$5,235.00</td>
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<td>Streetlight Banners</td>
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<td>$2,000.00</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Enhancements</td>
<td>$0.00</td>
<td>$66,000.00</td>
<td>$66,000.00</td>
<td>$66,000.00</td>
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<tr>
<td><strong>Totals</strong></td>
<td>$745,614.43</td>
<td>$55,500.00</td>
<td>$259,800.00</td>
<td>$1,061,914.43</td>
</tr>
</tbody>
</table>

| Grand Total | $6,426,393.46 | $58,000.00 | $389,800.00 | $8,055,157.71 |

### Project Expenditures outside of CIA limits, not subject to TIF reimbursement

<table>
<thead>
<tr>
<th>Project to be Spent</th>
<th>Spent to Date</th>
<th>Future Spent 2021+</th>
<th>Total</th>
<th>Original Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baldwin Streetscape Phase II (General Fund)</td>
<td>$611,107.97</td>
<td>$0.00</td>
<td>$20,000.00</td>
<td>$971,107.97</td>
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<td>DTE Lighting</td>
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<td>$0.00</td>
<td>$345,800.00</td>
</tr>
<tr>
<td>Contractor Payments</td>
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<td>$0.00</td>
<td>$370,000.00</td>
</tr>
<tr>
<td>Construction Services Phase II</td>
<td>$38,885.59</td>
<td>$0.00</td>
<td>$20,000.00</td>
<td>$58,885.59</td>
</tr>
</tbody>
</table>

### Budget approved 12-16-2019
Agenda Item Summary

To: Chris Barnett
From: Jeff Stout
Meeting Date: March 16, 2020
Memo Date: March 11, 2020
Subject: Traffic Signal Installation and Maintenance

REQUEST To adopt and execute the Agreement for Traffic Control Device on Clarkston Road at Pedestrian Path Crossing.

REASON Traffic Signal Installation and Maintenance

PROCESS RCOC will be responsible for the installation and maintenance of the Traffic Control Device and will invoice Orion Township for 100% of the costs.

BUDGET If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>☒</th>
<th>Project/Grant Tracking?</th>
<th>☒</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expected Invoice Date:</td>
<td>Click or tap to enter a date.</td>
<td>Reviewed by Budget Director?</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Path-Capital Outlay</td>
<td>402-958-982</td>
<td>Traffic Sign Maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

RECOMMENDATION (Motion)
To adopt the Resolution for the Agreement for Traffic Control Device and authorize the Clerk to sign and submit a certified copy to RCOC.
STATE OF MICHIGAN
BOARD OF COUNTY ROAD COMMISSIONERS
OAKLAND COUNTY
AGREEMENT FOR TRAFFIC CONTROL DEVICE

Type of Work:  Traffic Signal Installation and Maintenance

Location:  Clarkston Road, 800 Feet East of American Elm Street,
East of M-24 (Lapeer Road), RRFB at Pedestrian Path Crossing

Signal No: 1552
Date Effective:

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, removal, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioners of the County of Oakland.) Invoices for costs are to be billed monthly by the Road Commission for Oakland County ("RCOC").

DIVISION OF COSTS

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>INSTALLATION</th>
<th>MAINTENANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Percent</td>
<td>Estimated Cost</td>
</tr>
<tr>
<td>Charter Township of Orion</td>
<td>100 %</td>
<td>$ Permit</td>
</tr>
<tr>
<td>Total</td>
<td>100 %</td>
<td>$ Permit</td>
</tr>
</tbody>
</table>

It is further agreed that the RCOC will be the agency invoiced for energy billings and/or communications billings ("BILLINGS"). The RCOC will pay the invoices for the BILLINGS and subsequently invoice the CHARTER TOWNSHIP OF ORION seeking reimbursement for payment of the BILLINGS pursuant to the division of costs stated above. The RCOC’s payment of the BILLINGS shall be included as maintenance costs on the RCOC invoice to the CHARTER TOWNSHIP OF ORION.

It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the RCOC. The CHARTER TOWNSHIP OF ORION is the agency responsible for the costs related to installation and maintenance, and the RCOC will invoice the CHARTER TOWNSHIP OF ORION for the installation and maintenance costs pursuant to the division of costs stated above.

CHARTER TOWNSHIP OF ORION shall pay all RCOC invoices within 30 days of the date of the invoice.

Each party to this agreement will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the agreement, as provided by this agreement or by law. In addition, this is not intended to increase or decrease either party’s liability for or immunity from tort claims. This agreement is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this agreement.

In the event the traffic control device referred to in this agreement is located on a road or street that is under the jurisdiction of the RCOC and by virtue of this agreement will be maintained by an agency other than the RCOC, then and in that event the said agency hereby acknowledges that it is undertaking the RCOC’s duty to maintain the said traffic control device, further agrees to provide insurance coverage protecting the RCOC, and further agrees to provide a Certificate of Insurance acceptable to the RCOC upon the agency’s execution of this agreement.

This agreement is terminable on thirty days written notice by any party. The CHARTER TOWNSHIP OF ORION shall pay any outstanding invoices upon written notice of the termination, and the final invoice shall be paid immediately upon receipt.

APPROVED:

ROAD COMMISSION FOR OAKLAND COUNTY

Date__________________

By___________________
Danielle Deneau, P.E.

DIRECTOR OF TRAFFIC-SAFETY
Title of Authorized Official

APPROVED:

CHARTER TOWNSHIP OF ORION

Date__________________

By___________________

Title of Authorized Official

*Certified copy of resolution must be submitted with this form for new installations.
CHARTER TOWNSHIP OF ORION
COUNTY OF OAKLAND, STATE OF MICHIGAN

RESOLUTION:

For Approval of Agreement for a Traffic Control Device with the Road Commission for Oakland County for the Michigan Natural Resources Trust Fund Grant for Clarkston Road Regional Pathway Phase 1A

At a regular meeting of the Charter Township of Orion Board of Trustees held on Monday, March 16, 2020, the following Resolution was offered by _________________________________ and supported by _____________________________.

NOW, THEREFORE, BE IT RESOLVED, that the CHARTER TOWNSHIP OF ORION, Michigan, does hereby accept the terms of the Agreement for a Traffic Control Device, Signal Number #1410 with the Road Commission for Oakland County (RCOC), and that the CHARTER TOWNSHIP OF ORION does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds to purchase, as per bid in the construction project, and maintain the Rectangular Rapid Flash Beacon solar powered pedestrian signs (RRFB) for the project.
2. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.

AYES:

NAYS:

ABSENT:

Certification: I, Penny S. Shults, duly elected Clerk of the Charter Township of Orion, do hereby certify that the foregoing is a true copy of a resolution adopted by the Charter Township of Orion Board of Trustees at a Regular Meeting held Monday, March 16, 2020 at 7:00 p.m. at Orion Township Hall, 2525 Joslyn Rd., Lake Orion, Michigan 48360.

Signed: ______________________________

Penny S. Shults, Clerk
Charter Township of Orion
Date: ________________________________
What We Do

Productions:
• Box Office Sales
• Concessions Sales
• Wooden Rose Sales
• Student Dinners during late-night rehearsals
• Opening Night Potluck

Financial Support:
• Scholarships for Graduating Students
• Grants for Students needing Financial Help

Fundraisers:
• Summer Car Washes
• Dine to Donates
• 50/50 Raffles
• Annual Silent Auction
• Annual Dinner Theatre
• LO Theatre Spirit Wear

Other:
• Middle School Workshops
• Field Trip Chaperones
• Social Events

Our Purpose

• To provide inspiration, guidance, and assistance to all students participating in theatre in the Lake Orion Community School District in order to develop and maintain a top quality district-wide theatre program.

• To secure closer contact between interested parents, students, teachers, directors and staff thereby assuring clear communications and cooperation among all those involved in the theatre program.

• To help foster participation of younger theatre students and their parents, thereby strengthening the entire theatre program.

• To promote an understanding of theatre in the community, thereby rendering moral support to the students.

• To assist with the purchase of equipment and supplies that would not be available through the school budget.

• To assist with the payment of makeup fees, costuming fees, and traveling fees incurred through student participation in productions and out-of-town events throughout the theatre season.

Meetings

• The 2nd Monday of every month, September through May
• 7:00 p.m.
• LOHS drama classroom (room #352)
• Open to public
• Membership is not required to attend, but is required to vote or run for office on the Executive Board

Membership

All adults and students ages 16+ who have a vested interest in the Lake Orion Community School District and would like to support the theatre program are eligible to become members of the Theatre Boosters. To become a member, go to www.lakeoriontheatre.org/boosters and click the link “Become a Member”. Membership is free and your time commitment is up to you.
Connect with Us

For more information please contact us via email, visit our website, or check for updates on our Facebook page.

Email: LakeOrionTheatreBoosters@gmail.com
- Questions
- Suggestions
- Volunteer

Website: www.LakeOrionTheatre.org
- Calendar
- Documents
- Resources

Facebook: Facebook.com/LakeOrionTheatreBoosters
- Announcements
- Events
- Reminders

Lake Orion Theatre Boosters
Providing support for Lake Orion Theatre students and inspiring a love for the arts in our community.

“The arts are an essential element of education, just like reading, writing, and arithmetic...music, dance, painting, and theater are all keys that unlock profound human understanding and accomplishment.”

–William Bennett, Former US Secretary of Education
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES
(Required by MCL 432.103(K)(ii))

At a __________________________ meeting of the __________________________
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD
called to order by __________________________ on __________________________
at __________________________ a.m./p.m. the following resolution was offered:

Moved by __________________________ and supported by __________________________
that the request from __________________________ of __________________________
NAME OF ORGANIZATION CITY
county of __________________________, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable
gaming licenses, be considered for __________________________.

APPROVAL/DISAPPROVAL

APPROVAL
Yeas: __________________________
Nays: __________________________
Absent: __________________________

DISAPPROVAL
Yeas: __________________________
Nays: __________________________
Absent: __________________________

I hereby certify that the foregoing is a true and complete copy of a resolution offered and adopted by the __________________________ at a __________________________
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL
meeting held on __________________________.
DATE

SIGNED: __________________________
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.
BSL-CG-1153(R6/09)
Agenda Item Summary

To: Orion Township Board of Trustees

From: Penny S. Shults, Clerk

Meeting Date: March 16, 2020

Memo Date: March 12, 2020

Subject: Resolution – Charitable Gaming License for Lake Orion Theatre Boosters

REQUEST

Attached is a copy of a Local Governing Body Resolution for Charitable Gaming License.

REASON

Orion Township is asked to indicate their support, by resolution for the Charitable Gaming License requested by Lake Orion Theatre Boosters for their event which will be held at the Lake Orion High School.

PROCESS

BUDGET

If yes, fill out information below:

<table>
<thead>
<tr>
<th>Financial Item?</th>
<th>Project/Grant Tracking?</th>
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Expected Invoice Date: [Click or tap to enter a date.]

Reviewed by Budget Director?: ☐

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)

Board Action would be to adopt the resolution for Charitable Gaming License, as presented and direct the Clerk to prepare a certified copy for the Lake Orion Theatre Boosters.
We have had several requests from residents to address concerns that are currently difficult to address under our current ordinances. An example of one concern is the excessive use of ice bubblers / agitators on lakes. I have met with the Building Official, Chef Assistant, and Ordinance Enforcement Team as well as the Township Attorney. It appears a Nuisance Ordinance may be the best way to address the concerns raised by the group. Township Attorney Dan Kelly has prepared an opinion and a draft ordinance for our review and discussion.

BUDGET
If yes, fill out information below:

<table>
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<th>Financial Item?</th>
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</thead>
</table>

RECOMMENDATION (Motion)

As appropriate after discussion.
An Ordinance to promote the public health, safety and general welfare; to provide penalties for maintaining Public Nuisances; to provide for the abatement of Public Nuisances by the Township and the collection of the costs thereof.

HOWELL TOWNSHIP ORDAINS:

SECTION 1. PUBLIC NUISANCES DEFINED AND PROHIBITED.

A Public Nuisance is an action or condition that is offensively annoying, unpleasant, obnoxious, hurtful, harmful, injurious, vexing, difficult or distressing and causes harm or annoyance to a person or persons in a particular locality in violation of their rights in the preservation of the public health, safety and other aspects of the public welfare as members of the community. Any such action or condition that annoys, injures or endangers the safety, health, convenience, comfort, repose or other aspects of the public welfare, offends public decency or aesthetic sensibilities, interferes with, obstructs or renders dangerous any road, highway, navigable lake, river or stream, or in any way renders the public insecure in life on property is hereby declared to be a Public Nuisance. Public Nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any Public Nuisance.

SECTION 2. NUISANCES PER SE.

The following acts, accumulations, conditions and activities are hereby declared to be Public Nuisances, per se:

A. Permitting to remain on premises owned or occupied by a person or by a public agency, throwing, placing or leaving, or permitting the throwing, placing or leaving on the premises of another, any observable amounts of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shells, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor coverings, wallpaper, sweepings, wastepaper, newspapers or magazines, discarded appliances, rubbish, excrement, rotted materials; construction debris, including, but not limited to lumber, bricks, blocks, plumbing or heating materials, siding; yard clippings, including, but not limited to grass clippings, clippings from hedges or shrubs, or detached tree branches; industrial waste, unclean or nauseous fluids or gases in any of the following locations:

1) Any public road, street, highway, lane, alley, public place, square, sidewalk or any lands within the boundaries of Howell Township, owned by the Township, County of Livingston, State of Michigan, other municipal corporation or government entity.

2) Any river, lake, stream or other body of surface water, wetlands or flood plains.

34

1
3) Any private place or premises where in the reasonable judgment of the Township Manager or his or her agent, the specified substances constitute an obnoxious or dangerous condition; or are detrimental to the public health, safety or other aspects of the public welfare; or offend aesthetic sensibilities; or may cause sickness; or attract flies, insects, rodents or vermin.

B. The emission of noxious fumes or gas, smoke, ashes or soot in such quantities as to render occupancy of property dangerous or uncomfortable to a person of normal sensitivities.

C. The keeping of explosives, inflammable liquids or other dangerous substances stored in any manner or in any amount contrary to the provisions of any statute or applicable administrative regulation of the State of Michigan.

D. Any dangerous, unguarded excavations or dangerous, unguarded machinery in any publicly accessible place, or so situated, left or operated on private property so as to attract members of the public.

E. The owning, driving or moving upon the public roads, streets and alleys of a truck or other motor vehicle which is constructed or loaded so as to permit any part of its load or contents to be air blown and deposited upon any road, street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires, or other parts onto the road, street, alley, sidewalk or other public or private place dirt, grease, sticky substances or foreign matter of any kind; provided, however, that under circumstances determined by the Township Manager or his or her agent to be in the public interest, he or she may grant persons temporary exemption from the provisions of this subsection conditioned upon cleaning and correcting the violating condition as specified by the Township Manager or his or her agent and execution of an agreement by such person to reimburse the Township for any extraordinary expenses incurred by the Township in connection with such exemption.

F. The keeping of bees, when such keeping results in the disturbance of the safety, comfort and repose of one or more persons, or shall render one or more persons insecure in the use of his or her property.

G. The keeping of horses or livestock, unless permitted by Township Ordinance, or the failure to keep horses or livestock within sufficient fences, barricades or restraints to keep such animals located on property designed for their containment and from entering and roaming on a public way or onto adjacent properties.

H. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned or unused discarded refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon, without first removing the snap latch, other locking device, or the doors, from such refrigerator or other such airtight container.

I. The abandonment, leaving, keeping or maintaining of an unlicensed, junk or abandoned motor vehicle, as provided in Section 6 of this Ordinance.
SECTION 3. ABATEMENT: NOTICE, AUTHORITY OF OFFICERS.

Whenever any Public Nuisance described in Sections 1 or 2 of this Ordinance shall exist upon Township property or upon the property of another municipal corporation or other government entity within the boundaries of the Township, said Public Nuisance may be abated by the Township Manager or his or her agent without notice and the cost of abatement charged as provided in Section 5 of this Ordinance. Except as provided in Section 6 of this Ordinance for unlicensed, junk or abandoned motor vehicles, whenever any such Public Nuisance shall exist on private premises within the Township, the Township Manager and his or her agent shall give notice in writing by certified mail, return receipt requested, and/or first class mail addressed to the owner or occupant of the property where the Public Nuisance exists or to the person(s) otherwise responsible for the property upon which said Public Nuisance is located. Said notice shall specify the location and nature of the Public Nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate or otherwise remove the Public Nuisance within ten (10) days of the receipt of the notice. Following the issuance of said notice, the Township Manager or his or her agent may proceed to initiate civil or criminal proceedings permitted by law to abate the nuisance with the approval of the Township Board and under the supervision of the Township Attorney.

If the Township intends to abate a Public Nuisance by entering the property and causing the work to be done to repair, tear down, abate or otherwise remove the Public Nuisance and charge the cost thereof to the property owner, the Township shall notify the property owner and occupant of this intent and advise the owner or occupant that a hearing may be requested within the ten (10) day period pursuant to Section 4 of this Ordinance. If no hearing is requested in the time allotted or following a hearing held pursuant to Section 4 of this Ordinance, said nuisance may then be repaired, torn down, abated or otherwise removed by the Township Manager and his or her agent and the cost thereof charged, as provided in Section 5 of this Ordinance. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of said notice upon a conspicuous part of the property where the Public Nuisance is located and by mailing a copy of said notice by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the Township tax records, at least ten (10) days before further action by the Township Manager or his or her agent.

SECTION 4. HEARING.

If, after notice provided under Section 3 of this Ordinance, the recipient of said notice requests a hearing as therein provided, a hearing shall be held before the Township Board or a hearing officer appointed by the Township Board to determine the applicability of this Ordinance to the property in question. The Township Board or its appointed hearing officer shall make a decision with written findings of fact based upon an investigation and evidence presented at the hearing as to whether the activity or condition in question violates the provisions of this Ordinance. If the Township Board or its appointed hearing officer determines that the activity or condition violates the provisions of this Ordinance, the Township Board shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate or otherwise remove the Public Nuisance in question within a reasonable time, but not less than five (5) days. If the Public Nuisance is not repaired, torn down, abated or otherwise removed within the period allowed in the order, the Township Manager or his or her agent may repair, tear down, abate or otherwise remove said Public Nuisance and charge the cost thereof as provided in Section 5 of this Ordinance.
SECTION 5. ABATEMENT; COSTS.

All expenses incurred by the Township or its employees or agents in repairing, tearing down, abating or otherwise removing a Public Nuisance under this Ordinance shall be charged to the person responsible for the Public Nuisance, including either the occupant of the land in question, the person who appears as owner of party in interest upon the last local tax assessment records of the Township, or both. If said person or persons fail to pay said charge within thirty (30) days after a statement therefor is mailed to them, the amount of expenses incurred by the Township in repairing, tearing down, abating or otherwise removing the Public Nuisance may be paid from the Township General Fund and the amount thereof assessed against the lands on which the Public Nuisance was located on the next general assessment/tax roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense. Said lien shall be enforced in the manner prescribed by the general laws of the State providing for the enforcement of tax liens.

SECTION 6. UNLICENSED, JUNK OR ABANDONED MOTOR VEHICLES PROHIBITED.

A. A Motor Vehicle is hereby defined as any wheeled vehicle that is self-propelled or intended to be self-propelled. A Unlicensed, Junk or Abandoned Motor Vehicle, for purposes of this Ordinance shall include:

1) Any motor vehicle or portion thereof that has remained on the premises of another for a period of forty-eight (48) continuous hours or more without the consent of the owner or occupant of the property or for a period of forty-eight (48) continuous hours or more after the consent of the owner or occupant of the property has been revoked; or

2) Any motor vehicle or portion thereof that has remained on the premises of an owner or occupant for a period of thirty (30) consecutive days or more, and does not have an engine in running condition, four (4) inflated tires, and/or a battery; or

3) Any motor vehicle or portion thereof that has remained on the property of an owner or occupant for a period of 90 days or more and does not have attached current license plates; or

4) Any motor vehicle or portion thereof that is in fact abandoned by its owner; or

5) Any motor vehicle or portion thereof that for any reason is not operable and not repairable.

B. No person shall abandon a motor vehicle or portion thereof on the premises of another.

C. No person shall store, maintain, keep, leave or authorize the storage, maintenance, keeping or leaving of any unlicensed, abandoned or junk motor vehicle or part thereof on any private property under his/her ownership, tenancy or control, except as provided in paragraph “D” below.
D. The following motor vehicles shall not be deemed unlicensed, junk or abandoned vehicles for purposes of this Ordinance: vehicles stored within a completely enclosed building, vehicles kept as stock in trade by a regularly licensed dealer in motor vehicles, vehicles stored by a junk or abandoned vehicle dealer or agent properly and currently licensed by the State of Michigan. The Township Manager or his or her agent may, upon written application, exempt from this Ordinance for any reasonable period of time any historic or classic vehicle which by reason of special circumstances is deemed not be a junk or abandoned motor vehicle.

E. The Township Manager or his or her agent may remove any unlicensed, junk or abandoned motor vehicle or part thereof from the property of the Township or other municipal corporation or other government entity within the boundaries of the Township without notice and may dispose of said vehicle in a prescribed or otherwise acceptable manner. The Township Manager or his or her agent may remove or cause to be removed any unlicensed, junk or abandoned motor vehicle or part thereof from any open area on private property, after having notified the vehicle owner and/or lienholder, if known, and the property owner or occupant of such property in writing of his or her intention to do so at least forty-eight (48) hours prior to such removal. If the vehicle owner and/or lienholder cannot be determined, a copy of said notice shall be placed upon the vehicle at least forty-eight (48) hours prior to removal. The Township Manager or his or her agent may dispose of said vehicle in a prescribed or otherwise acceptable manner. The cost of hauling away and disposing of an unlicensed, junk or abandoned motor vehicle may be charged as provided in Section 5 of this Ordinance. The removal of an unlicensed, junk or abandoned motor vehicle by the Township Manager or his or her agent shall not excuse or relieve any person of the obligations imposed by subsections 6(B) or 6(C) of this Ordinance nor from the criminal penalties for violation thereof.

SECTION 7. UNLAWFUL NOISE PROHIBITED.

A. It shall be unlawful, and it shall be deemed a Public Nuisance, for any person to unreasonably make, continue or cause to be made any noise that excessively annoys or disturbs the quiet, comfort or repose of a reasonable person of normal sensibilities, or that injures or endangers the health, peace, or safety of the public within the Township. The following acts, among others, are declared to be prima facie evidence of unlawful noises in violation of this Section 7, and are deemed to be Public Nuisances per se, but this enumeration shall not be deemed to be exclusive, namely:

1) Radios, Record or CD Players and Musical Instruments: Operating, playing or permitting the operating of any radio, CD player, television set, car stereo, musical instrument, drum, loudspeaker, tape recorder, or other sound-producing device, amplified or unamplified, in such a manner or with such volume at any time or place so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensibilities in any office, dwelling, hotel, motel, hospital or residence, or the operation of any such radio, instrument, CD player, television set, machine or device in such a manner as to be plainly audible on real property or in a dwelling unit other than that from which the noise originates or emanates, or the operation of a car stereo so as to be plainly audible at a distance of fifty (50) feet from the vehicle in which it is located.
2) Shouting and Whistling: Yelling, shouting, hooting, whistling, singing, or making any other loud noises on public roads, streets, sidewalks, pathways or other roads, streets or paths located within the Township, between the hours of 11:00 p.m. and 7:00 a.m. the following day, or the making of any such noise at any time or place so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, dwelling, hotel, motel, hospital or residence.

3) Animals and Birds: Owning, possessing or harboring any animal or bird that frequently or for continued duration howls, barks, meows, squawks or makes other sounds at any time or place so as to excessively annoy or disturb the quiet, comfort or repose of a reasonable person of normal sensitivities in any office, hotel, motel, hospital or residence.

4) Construction: Operating or permitting the operation of any tools or equipment used in construction, excavation, demolition, alteration or repair of any building, road, street or highway, between the hours of 9:00 p.m. and 7:00 a.m. the following day or all day on Sundays or federal holidays, such that the sound thereof is plainly audible in any hotel, motel, hospital, office or residence located on any property other than the property from which the noise originates, with the following exceptions:

a. Noise from the operation of any tools or equipment used in construction, excavation, demolition, alteration, or repair of any building or other structure, site grading, road, street or highway that is normal to such operations shall be permitted daily between the hours of 7:00 a.m. and 9:00 p.m., except that no such operations shall be conducted on Sundays, Thanksgiving Day, Christmas Day and New Years Day. Any operation that does not exceed sixty (60) decibels at the property line of the property in which it is conducted may operate at any time on any day between the hours of 7:00 a.m. and 9:00 p.m.

b. Noise from the operation of any tools or equipment used in home improvement or maintenance projects personally conducted by the owner or occupant of an existing residence or other type of building or structure shall be permitted on any day between the hours of 7:00 a.m. and 9:00 p.m.

5) Engines: Operating or permitting the operation of any engine, whether stationary or mobile, so as to excessively annoy or disturb the quiet, comfort or repose of a person of normal sensitivities in any office, hotel, motel, hospital or residence. This subparagraph shall not prohibit the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snowblower or similar device used outdoors in residential areas between the hours of 7:00 a.m. and 9:00 p.m., the same day, nor shall it prohibit the operation of a state licensed motor vehicle in a manner expressly permitted by State law.

6) Smoke: A person, industry, corporation, firm, or business shall not discharge into the atmosphere from any single source of emission or collective sources of
emission located on any lot or parcel, any air contaminant for a period or periods of
time aggregating more than three (3) minutes in any one (1) hour which results in
the following:

a. As dark or darker in shade than that designated as No. 2 on the Ringelmann
Chart, as published by the United States Bureau of Mines.

b. Of such density as to obscure an observer’s view to the degree equal to or
greater than the shade of smoke described in (a) above.

c. At no time for any period of time shall smoke emissions be darker than
Ringelmann No. 3.

7) Dust, Dirt or Fly Ash: There shall be no discharge into the atmosphere of any levels
of materials or substances of any kind or combination of kinds exceeding twenty (20)
grams per cubic foot of the carrying medium. There shall be no discharge of any
materials or substances into the atmosphere which creates conditions harmful or
potentially harmful to any human, animal or plant material located on the same
property as well as adjacent properties. All equipment involved in any process shall
be maintained in an approved operating condition so as to keep any produced dust,
dirt or fly ash to the minimum possible.

8) Noxious Gas: No noxious gas shall be permitted to escape into the atmosphere in
concentrations detrimental to human, plant or animal life.

9) Open fires: A person, industry, corporation, firm or business may burn combustible
refuse in an open outdoor fire, if permitted, subject to written approval with specified
conditions by the Township and Fire Department as not being detrimental to the
health, safety and welfare of adjoining properties and the community generally.

10) Vibration: Vibrations from any operation on any lot or parcel shall be controlled to
the extent that they cannot be felt beyond any property line bounding or beyond the
lot or parcel from which such vibrations emanate.

11) Glare and Heat: All operations which produce glare and heat, such as welding or
acetylene torch cutting shall be performed in such a manner that the glare cannot be
seen from any road, street or highway or adjacent property and any heat produced
on a lot or parcel through any operation shall be insulated that the temperature at
any of its property lines shall not increase above that which is registered as the
temperature for any particular time of day by the local Weather Bureau.

12) Light: Lights for buildings and other structures and parking areas, whether located
inside, outside or in or under covered buildings or other structures and parking areas
shall be so located, oriented and shielded so as not to shine directly onto any
adjacent properties, roads, streets or highways.
13) Radio Transmission: Any electronic equipment shall be so shielded that its operation will not interfere with any other installation and use of radio, television, cellphone or other electronic equipment.

14) Flammable Liquids, Liquified Petroleum Gases and Explosives: shall not be stored on any lot or parcel without the approval of the State of Michigan Fire Marshall and the local Fire Department and shall comply with all the State of Michigan rules and regulations as established by the “Fire Prevention Act,” Public Act 207 of 1941, as amended.

15) Odor: There shall be no emission or escape of any materials or any obnoxious odor in such quantities as to be readily detectable so as to pose a hazard or to create any physical discomfort to the users and occupants of adjacent properties or those persons walking or traveling by in vehicles on adjacent roads, streets or highways, subject to State Law, i.e., Michigan Right to Farm Act.

16) Radioactive Materials and Wastes: The delivery, storage, use and removal of radioactive materials and wastes shall have the approval of the responsible Federal, State and local agencies and in no case shall radioactive materials and wastes be permitted to exceed quantities established as safe by the United States Bureau of Standards when measured at the property lines of the property upon which such materials are located.

17) Open Storage: All storage of building materials, sand, gravel, stone, lumber, equipment and supplies shall be continually or permanently located within an area not closer than one hundred fifty (150) feet from any road, street or highway right-of-way line, and not less than twenty (20) feet from any side or rear lot line of the lot or parcel upon which they are located. The on-site location of openly stored lumber, coal or other combustible materials shall be accessible by means of a Fire Department approved driveway which provides direct and free access at all times by fire trucks. All such open storage shall be screened from all roads, streets and highways and all adjacent properties by a solid eight (8) foot high wall, fence, berm, evergreen planting or any combination of them. The storage of any of the aforementioned shall not be piled so as to exceed the eight (8) foot high required solid barrier.

SECTION 8. PUBLIC NUISANCES, EMERGENCY ABATEMENT, COSTS.

The Township Manager or his or her agent may act to abate a Public Nuisance without giving notice as specified in Section 3, if the public health, safety or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 5.
SECTION 9. PENALTIES.
Repealed and replaced by ordinance #132, Civil Infractions Ordinance.
(Ord. No. 133 Eff. March 15, 2002)

SECTION 10. APPEARANCE TICKETS.
In all arrests and prosecutions for violation of this Ordinance, Appearance Tickets and the appropriate procedures set forth in Act 147, Michigan Public Acts of 1968, as amended, may be used whenever appropriate.

SECTION 11. EFFECTIVE DATE.
This Ordinance shall become effective thirty (30) days after its publication.
(Ord. No. 123 eff. April 17, 2001)
Chapter 151 - NUISANCES[2]

Footnotes:
--- (2) ---

Charter reference—Abatement of Nuisances, Title VI, Sec. 11(c); also Title X, Sec. 24.

Cross reference—Solid Waste Transportation Unit and Identification of Solid Waste Carts, § 2.11; discharging or prohibited substances into City sewage disposal system declared a nuisance, § 2.64; general health regulations, Ch. 71; buildings or structures erected, used, moved, demolished, occupied or maintained in violation of Chapter 131 declared a nuisance per se, § 8.5 (117.5); electrical wiring or equipment installed, altered or maintained in violation of Chapter 133 declared a nuisance per se, § 8.85.

State Law reference—Environmental protection act, MCL 691.1202 et seq., MCL 600.381 et seq.

ARTICLE 1. - GENERAL PROVISIONS[3]

Footnotes:
--- (3) ---


Sec. 9.1. - Statement of Findings and Purpose.
The existence of public nuisances as defined in this Chapter, and elsewhere in the Code, on private or public property, is found to create conditions tending to reduce the value of private property, to promote blight and deterioration, to invite illegal activities, to create fire hazards, to create hazards to the health and safety of minors, to create harborage for vermin and pests and to be injurious to the public health, safety and general welfare. Therefore, the presence of a public nuisance on private or public property is declared to be contrary to the public good and shall be subject to notices, orders or other Code enforcement actions to abate, and in the absence of compliance with such Code enforcement actions, to abatement by the City or a City contractor or vendor. The City also finds that abatement-related and Code enforcement actions or abatement by the City may not be adequate to deal with the problem and shall not preclude other legal or administrative actions as deemed necessary or advisable by the City. The City further finds that there is a need to recover Code enforcement and public nuisance abatement-related costs incurred by the City in public nuisance abatement whether the public nuisance is abated by the City, a City vendor or contractor, or by some other person. It is the purpose of this Chapter to provide for the lawful and cost-effective abatement of public nuisances as promptly as possible.

(Ord. No. 2011-44, § 1, 10-11-11)

Sec. 9.2. - General Definition of Nuisances.

Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway or any body of water; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Chapter and shall include any provision of this Code declared in this Code to be a nuisance.

No person shall commit, permit, create or maintain a public nuisance.

(Ord. No. 2011-44, § 1, 10-11-11)

Sec. 9.3. - Abatement of Nuisances.

Where no other procedure is made specifically applicable by another provision of this Code, any property, structure, condition or activity prohibited by this Chapter, or declared a public nuisance elsewhere in this Code, may be abated by the City Manager, acting in the capacity of Director of Public Welfare, or the City Manager's designee, in accordance with the procedure set out in this Chapter. The City Manager shall first investigate, or cause to be investigated, the existence of the alleged public nuisance to determine whether or not a public nuisance as defined in Section 9.1, or elsewhere in this Code, exists and to further determine the person who has created, is committing, is permitting or is maintaining that public nuisance. The City Manager, or the City Manager's designee, shall then give written notice to the person or persons responsible for the creation, commission, permitting or
maintenance of such public nuisance, specifying in particular the nature of the public nuisance, the corrective action to be taken to abate the public nuisance, and the time limit for the abatement of the public nuisance, which shall be a reasonable time, but not to exceed twenty days from the time the notice is served. The notice shall be served in accordance with Section 1.11 of the City Code.

If, at the expiration of the time limit in the notice, the person responsible for the public nuisance shall not have complied with the requirements of the notice, the City Manager shall carry out the requirements of the notice, take other action as permitted by this Code or state law, or otherwise abate the public nuisance. Notwithstanding any other provision of this Code, where a public nuisance that necessitates abatement exists on private property, the owner of the property where the public nuisance condition exists, as determined by the City in accordance with this Code, shall be liable for all costs incurred by the City in connection with its enforcement of the City Code regardless of whether the City performs the work, a City contractor or vendor performs the work, or whether the City's Code enforcement actions caused the person or persons with ownership of the property, as defined in this Code, to perform the work or otherwise bring the property into compliance with the applicable provisions of the City Code.

All of the costs of Code enforcement activities provided for in this Code and incurred by the City shall be billed to the owner of the property, or other clearly responsible party, and shall be paid within 30 days of mailing. All costs of such abatement-related and Code enforcement activities shall be a personal debt owed to the City by the person billed for the public nuisance and, if the public nuisance is attributable to the use, occupancy, care, control, dominion or ownership of any land or premises, shall also, in addition to being a personal debt, be charged against such premises and the owner thereof and shall be a lien on the property until paid.

It shall be a violation of this Code for any person to fail, neglect or refuse to comply with an order issued pursuant to the provisions of this Chapter unless an appeal is lawfully filed as provided for in this Chapter.

(Ord. No. 2011-44, § 1, 10-11-11)

Sec. 9.4. - Remedies Severable.

Any action taken by the City to abate any public nuisance under the provisions of this Article, or any other provision of the City Code, shall not affect the right of the City to institute other legal or administrative proceedings against the person committing, creating, permitting or maintaining any public nuisance for violation of this Code nor affect the imposition of the penalty or remedy prescribed or imposed for such violation. Upon application by the City to any court of competent jurisdiction, the court may order the public nuisance abated and/or the violation or threatened violation restrained and enjoined.

(Ord. No. 2011-44, § 1, 10-11-11)
Sec. 9.5. - Appeals; Hearing.

Except as otherwise provided in this Chapter, appeals from any notice, billing, order or any other Code enforcement or abatement-related action of any officer, employee or agent charged with the enforcement of this Chapter shall be made to the Housing Appeal Board established by and provided for in Chapter 140 of this Code and according to the process and procedure set out therein. As provided for in Chapter 140, an appeal shall be filed within twenty (20) days of the date of any notice, order, ruling or action being appealed. However, if a notice, order, ruling or action requires the abatement of a public nuisance or other action within a shorter period of time, the appeal must be made within such shorter period. Upon the filing of an appeal as provided for in this Chapter, compliance with the notice, billing or order shall be stayed until the matter is heard and decided by the Housing Appeal Board except as otherwise provided in this Chapter. As provided for in Chapter 140, failure to comply with the requirements of that Chapter regarding an appeal shall be grounds for denial of the appeal. An appeal fee, established by the City Commission, shall be paid as provided for in Chapter 140 of this Code, unless waived as provided for by that Chapter.

The Housing Appeals Board may modify, reverse or affirm the notice, billing or order, in whole or in part, or make such order or decision with regard to the appeal as is determined necessary in light of the circumstance of the situation and the need to protect the public as provided for in Section 9.1. In hearing and deciding an appeal, the Housing Appeal Board shall have all the power of the officer, employee or agent from whom the appeal was taken. The decision of the Housing Appeal Board shall be final except as otherwise provided for by law.

If, as determined by the City Manager or the City Manager's designee, a serious and immediate threat to life, health or other public or private property exists, the City may summarily abate the public nuisance notwithstanding the filing of an appeal. The City shall attempt to provide verbal or written notice to the responsible party prior to a summary abatement, but, in light of the need for summary action, the failure to effectively provide such notice shall not preclude summary abatement. Should a summary abatement occur, the appeal shall be limited to the issue of responsibility for the cost of abating the public nuisance and related costs, as provided for by this Code.

It shall be a violation of this Code for any person to fail, neglect or refuse to comply with an order or decision of the Housing Appeal Board made pursuant to this Chapter.

(Ord. No. 2011-44, § 1, 10-11-11)

Sec. 9.6. - Code Enforcement and Abatement—Related Costs.

Where the public nuisance conditions that necessitate abatement exist on private or public property, the person or persons committing, creating, permitting or maintaining the public nuisance, and any owner of the private property where the public nuisance conditions exist, shall be liable for all
Code enforcement and abatement-related costs incurred by the City in connection with its enforcement of the provisions of this Code regardless of whether the City performs the abatement work, the abatement work is performed by a City contractor or vendor, or the abatement is performed by the person or persons with use, occupancy, care, control, dominion or ownership over the property or others. Costs authorized to be charged under this Code include, but are not limited to, notices, orders, inspections and other actions, including property remediation after the public nuisance abatement.

(Ord. No. 2011-44, § 1, 10-11-11)

Secs. 9.7—9.10. - Reserved.

ARTICLE 2. - DANGEROUS STRUCTURES[4]

Footnotes:
--- (4) ---
Cross reference— Unsafe, damaged or deteriorated structures, § 8.5(120.0).

Sec. 9.11. - Dangerous Structures.

No person shall maintain any structure which is unsafe or which is a menace to the health or safety of the public.

Sec. 9.12. - Notice and Hearing.

The Commission may, after notice to the owner and after holding a public hearing thereon, condemn such structure by giving notice to the owner of the land upon which such structure is located, specifying in what respects said structure is a public nuisance and requiring said owner to alter, repair, tear down or remove the same within such reasonable time, not exceeding sixty (60) days, as may be necessary to do or have done the work required by said notice. Said notice may also provide a reasonable time within which such work shall be commenced.

Sec. 9.13. - Abatement.

If, at the expiration of any time limit in said notice, the owner has not complied with the requirements thereof, the City Manager shall carry out the requirements of said notice. The cost of such abatement shall be charged against the premises and the owner thereof.

Sec. 9.14. - Emergency Abatement.

The City Manager may abate any such public nuisance, if the public safety requires immediate action, without preliminary order of the Commission. Thereafter the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of Section
WEBSTER TOWNSHIP PUBLIC NUISANCES ORDINANCE

Ordinance No. 2011-1

Summary Table of Amendments

<table>
<thead>
<tr>
<th>Resolution &amp; Adoption Date</th>
<th>Affected Sections</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution 14-18</td>
<td>Section 3.6.c.(iv)</td>
<td>Amended in its entirety</td>
</tr>
<tr>
<td>August 9, 2018</td>
<td></td>
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</tr>
<tr>
<td>Resolution 16-18</td>
<td>Section 3.4</td>
<td>Amended in its entirety</td>
</tr>
<tr>
<td>August 21, 2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

An ordinance to promote the health, safety, and welfare of the people of Webster Township, Washtenaw County, Michigan, by defining and prohibiting public nuisances; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this ordinance, and recovery of costs incurred by Webster Township; and repealing all ordinances or parts of ordinances in conflict with this ordinance.

THE TOWNSHIP OF WEBSTER, WASHTENAW COUNTY, MICHIGAN, ORDAINS:

SECTION 1: TITLE. This ordinance shall be known and cited as the Webster Township Public Nuisances Ordinance.

SECTION 2: PUBLIC NUISANCE DEFINED AND PROHIBITED. The term “Public Nuisance” means whatever annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance. No person shall commit, create or maintain any public nuisance.

SECTION 3: PUBLIC NUISANCES PER SE. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby declared to be public nuisances per se:

1. No person shall throw, place, or leave; or permit the throwing, placing, or leaving any of the following substances: organic refuse, food wastes, ashes, dead animals, fish, animal bones, hides, rotten soap, grease, tallow, offal, shell, food containers or wrappings, cans, bottles, jars, crockery, garbage, discarded furniture, cartons, boxes, crates, rags, discarded clothing, bedding, floor covering, wallpaper, sweepings, waste paper, newspapers or magazines, discarded appliances, rubbish, excrement, rot, construction debris including, but not limited to, lumber, bricks, block, plumbing or heating materials, roofing materials, concrete, cement, electrical materials or siding, yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or...
detached tree branches, industrial waste, unclean or nauseous fluids or gases, in any of the following locations:

a. On the premises of another without permission.

b. On any public street, highway, lane, road, alley, public place, square, sidewalk, sewers, or any lands within the boundaries of the Township owned by the Township or other municipal corporation.

c. In any river, lake, stream, or other body of water.

d. No person shall maintain or permit to remain on their premises, so owned, occupied, or possessed by another, substances that constitute a dangerous condition or are detrimental to the public health, safety, or welfare or may cause sickness or attract flies, insects, rodents, or vermin.

2. The emission of noxious fumes or gas, smoke, ashes, or soot in such quantities as to render occupancy of property dangerous to a person of ordinary sensibilities.

3. The keeping, either inside or outside of any building, structure, or dwelling, in a place accessible to children, any abandoned, unattended, unused, or discarded icebox, refrigerator, or any airtight container of any kind which has a snap latch or other locking device thereon without first removing the snap latch or other locking device or the doors from such icebox, refrigerator, or other such airtight container.

4. (Amended August 21, 2018) Abandoning, leaving, keeping, or maintaining an Inoperable or Junk Motor Vehicle, unless such Inoperable or Junk Motor Vehicle is either (i) stored in a completely enclosed, permanent building, or (ii) not visible from surrounding properties or from any public place. For purposes of this section:

a. "Inoperable or Junk Motor Vehicle" means a Motor Vehicle that either: (i) is intended to be self-propelled but is incapable of being propelled under its own power, whether by reason of dismantling, disrepair or other cause; or (ii) does not bear an affixed current license plate and current vehicle registration.

b. "Motor Vehicle" means, but is not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, boat trailers, utility trailers, or other similar devices capable of moving or being moved on public right-of-way, and shall also include parts of vehicles, but shall not include farm machinery, prominently displayed ornamental machinery, devices designed to be moved by human or animal power, or devices used exclusively upon stationary rails or tracks.

Notwithstanding the foregoing, the following are exempt from the provisions of this Section 3.4:
i. Any Inoperable or Junk Motor Vehicle that is not visible from a public or private street or road, or from other public or private property (including, without limitation, any Inoperable or Junk Motor Vehicle that is completely enclosed within a permanent, fully enclosed building);

ii. Up to two Inoperable or Junk Motor Vehicles that are in the process of restoration, and that are recognized by national vehicle organizations such as the Vintage Motor Car Club of America, the Specialty Equipment Market Association or the Classic Car Club of America as an antique, vintage, historic, classic, or muscle or special interest vehicle. Such vehicles, when located in public view prior to or during the restoration process, shall, upon request by the Zoning Administrator, be moved to a storage or work area not readily visible by the general public;

iii. Up to two Inoperable or Junk Motor Vehicles for which the landowner can show current registration in his or her name, and for which (s)he submits a declaration expressing his or her intent to bring the same into operating condition within one year from the date of the declaration, and which are not parked on public roads or shared easements; and placed so as minimize public view, and which are kept free of accumulating garbage and other health hazards; and

iv. With respect to agricultural farm operations located in the Agricultural zoning district, one Inoperable or Junk Motor Vehicle shall be permitted on each such farm operation, provided that the vehicle is either operable, or not readily visible from any public place or from surrounding private property.

5. The registered owner or lessee of a vehicle from which litter is thrown, dropped, dumped, deposited, placed or left is presumed to be the person responsible for littering.

6. Violating the following noise regulations:

a. General Regulation. It shall be unlawful for the owner of any premises within the Township of Webster, or for the occupant or person in possession of any premises within the Township of Webster, or for any person to knowingly make, allow to be made, or to permit to be made upon the premises so owned, occupied, or possessed, any excessive, unnecessary, unnatural, repeated, prolonged, unusually loud noise, which is clearly audible from nearby properties, within the limits of the Township of Webster.

b. Specific Noise Violations. The following recurring noise disturbances are hereby declared to be a violation of this Ordinance provided, however, that the specification of the same is not to be construed to exclude other violations of this Ordinance not specifically enumerated below:
i. The playing of any radio, phonograph, television, or other electronic or mechanical sound-producing device, including any musical instrument.

ii. Yelling, shouting, singing or other noise making at any time or place.

iii. The keeping of any animal, bird or fowl that emanates frequent or extended noise such as allowing or permitting any dog to bark repeatedly.

iv. The operation of any automobile, motorcycle or other vehicle so out of repair or so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, or other unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties. The modification of any noise abatement device on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be in violation of this Section.

v. The sounding of any unreasonably disturbing horn unless necessary to operate said vehicle safely or as required by the Michigan Motor Vehicle Code.

vi. The construction, excavation, demolition, alteration or repair of any building or premises in any part of the Township, including the streets and highways, other than between the hours of 7:00 a.m. and sundown on any day, except in cases of urgent necessity in the interest of public health and safety. Urgent necessity would include snow plowing, utility repairs, and similar situations.

vii. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show, sale, display or other commercial purpose.

viii. The operation of any machinery, equipment or mechanical device, so as to emit unreasonably loud noise or frequent noise.

ix. The operation of any race track, proving ground, testing area or obstacle course for vehicles of any kind or nature in any area of the Township.

c. Exceptions. None of the prohibitions enumerated above shall apply to the following:

i. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.

ii. Excavation or repair of bridges, streets or highways or other property by or on behalf of the State of Michigan, Webster Township, or the County of Washtenaw, between sundown and 7 a.m. when the public welfare, safety
and convenience render it impossible to perform such work during other hours.

iii. Warning devices emitting sound for warning purposes as authorized by law.

iv. (Amended August 9, 2018) One-time or short-term temporary uses permitted under Section 12.30 of the Webster Township Zoning Ordinance, provided that all terms and conditions of the permit are complied with by the permit holder.

v. Home owners performing ordinary property maintenance (i.e. lawn mowing, general repairs, gardening, snow removal…etc)

SECTION 4: ABATEMENT; NOTICE; CIVIL INFRACTIONS AND CIVIL PROCEEDINGS; AUTHORITY OF OFFICERS TO ABATE PUBLIC NUISANCES.

1. Public Nuisances on Township Property. Whenever any public nuisance described in Sections 2 or 3 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, such public nuisance may be abated by the Township Zoning Administrator or his/her agent without notice and the cost of abatement charged as provided in Section 6.

2. Public Nuisances on Private Property. Except as provided in the Michigan Vehicle Code (MCL 257.1 et seq.) for junk or abandoned motor vehicles, whenever any public nuisance shall exist on private premises within the Township, the Township Ordinance Enforcement Officer or his/her agent shall give notice in writing by certified mail, return receipt requested, addressed to the owner or occupant of the property where the public nuisance exists or to the person otherwise responsible for such public nuisance. Such notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate, or otherwise remove the public nuisance within ten days of the receipt of the notice. Following the issuance of such notice, the Township Ordinance Enforcement Officer or his/her agent may proceed to initiate civil infraction or other civil proceedings permitted by law to abate the public nuisance.

3. Civil Infractions. Any person or other entity who causes or permits to continue a public nuisance as prohibited by the Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than $500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

4. Abatement by Township Officials. If the Township intends to abate the nuisance by entering the property and causing the work to be done to repair, tear down, abate, or otherwise
remove the nuisance and charge the cost thereof to the property owner, such intent, and the advisement of the owner or occupant that a hearing may be requested within the ten-day period pursuant to section 5 of this ordinance, shall be done. If no hearing is requested in the time allotted, or following a hearing held pursuant to Section 5, such nuisance may then be repaired, torn down, abated, or otherwise removed by the Township Ordinance Enforcement Officer or his/her agent and the cost thereof charged as provided in Section 6. If the actual owner or occupant of the premises is unknown or cannot be located, notice may be given by posting a copy of such notice upon a conspicuous part of the property where the public nuisance is located and by mailing a copy of such notice by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the Township tax records at least 10 days before further action by the Township Ordinance Enforcement Officer.

SECTION 5: HEARING. If, after notice provided under Section 4(4), the recipient of the notice requests a hearing as therein provided, a hearing shall be held before the Township Supervisor or a hearing officer appointed by the Township Supervisor to determine whether a violation of this Ordinance has or is occurring on the property in question. The Township Supervisor or his appointed hearing officer shall make a decision with written findings of fact based upon his investigation and evidence presented at the hearing as to whether the condition in question violates the provisions of this Ordinance. If the Township Supervisor or his/her appointed hearing officer determines that the condition violates the provisions of this Ordinance, he/she shall order the person requesting the hearing or owner or occupant of the premises in question to repair, tear down, abate, or otherwise remove the nuisance in question within a reasonable time, but not less than five days. If the public nuisance is not repaired, torn down, abated, or otherwise removed within the period allowed in the order, the Township Ordinance Enforcement Officer or his/her agent may repair, tear down, abate, or otherwise remove such public nuisance and charge the cost thereof as provided in Section 6.

SECTION 6: ABATEMENT; COSTS. All expenses incurred by the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question, or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If such person fails to pay the charge within 30 days after a statement therefor is mailed to him or her, the amount of expenses incurred by the Township in repairing, tearing down, abating, or otherwise removing the public nuisance may be paid from the Township general fund and the amount thereof assessed against the lands on which the expenditures were made on the next general assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

SECTION 7: PUBLIC NUISANCES; EMERGENCY ABATEMENT; COSTS. The Township Ordinance Enforcement Officer may act to abate a public nuisance without giving notice as specified in Section 4, if the public health, safety, or welfare requires immediate action. The cost of abating such nuisance shall be charged as specified in Section 6.
SECTION 8: SEVERABILITY. The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 9: REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided that this ordinance shall not be construed to repeal expressly or by implication any provision of the Township Zoning Ordinance.

SECTION 10: EFFECTIVE DATE. This ordinance shall take effect 30 days after publication as required by law.

The above ordinance was offered for enactment by Koch and was supported by Estleman at a regular meeting of the Webster Township Board, held at the Webster Township Hall, on the 24th day of May, 2011, at 6:30 p.m., the vote being as follows:

YEAS: Koch, Estleman, Kingsley, Heller, Westman

NAYS: Kleinschmidt, Whitney

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

____________________________________________
John Kingsley, Webster Township Supervisor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Webster Township Board at a meeting held on May 24, 2011, pursuant to the procedures required by law.

____________________________________________
Mary Dee Heller
Webster Township Clerk
Agenda Item Summary

To: Charter Township Of Orion Board of Trustees
From: Charter Township Of Orion Planning Commission
Meeting Date: March 16, 2020
Memo Date: March 9, 2020
Subject: PC-2019-38 Text Amendment to Zoning Ordinance No. 78, Articles 2,5,6,14,16,24,27,30 &34

REQUEST
Board action on PC-2019-38

REASON
The Planning Commission, at their March 4, 2020 meeting, passed a motion to forward a recommend to approve PC-2019-38, Text Amendment to Zoning Ordinance #78, to the Board of Trustees.

PROCESS
The Board of Trustees holds the first reading for PC-2019-38 on March 16, 2020 and directs the Clerk to advertise for the second reading and possible approval/adoption on April 20, 2020.

BUDGET
If yes, fill out information below:

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<thead>
<tr>
<th>Financial Item?</th>
<th>Project/Grant Tracking?</th>
<th>Reviewed by Budget Director?</th>
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Expected Invoice Date: Click or tap to enter a date.

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<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
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RECOMMENDATION (Motion)
March 16, 2020
Move to declare that the Orion Township Board of Trustees held and approved the first reading on March 16, 2020, for PC-2019-38, Text Amendment to Zoning Ordinance #78, Articles 2,5,6,14,16,24,27,30 & 34, and to direct the Clerk to publish for the second reading and possible approval/adoption on April 20, 2020.

April 20, 2020
Move to declare that the second reading of PC-2019-38, Text Amendment to Zoning Ordinance #78, Articles 2,5,6,14,16,24,27,30 & 34, to have been held on April 20, 2020 and to approve/adopt.
March 11, 2020

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION
SUBJECT TO PRIVILEGE

Board of Trustees
Charter Township of Orion
2525 Joslyn Road
Lake Orion, MI 48360

RE: Text Amendments to the Zoning Ordinance

Dear Board of Trustees,

Attached for First Reading are proposed text amendments to the Township’s Zoning Ordinance (Ord. No. 78).

On March 4, 2020, the Planning Commission conducted a public hearing for text amendments to the attached sections of the Zoning Ordinance. The amendments all serve to resolve typographical errors and minor text issues. In our opinion, the changes are not significant and serve to resolve outstanding issues in the Zoning Ordinance. As with any Ordinance adoption, following the first reading, the Ordinance must be published (summary/resolution) and notice for second reading as set by the Clerk. Unless a separate motion is submitted by the Clerk, the appropriate motion to approve the first reading would be as follows:

"I move to approve the first reading of Orion Township’s Zoning Ordinance (Ord. No. 78) and direct the Township Clerk to publish said Ordinance in accordance with state law and hereby set the second reading of said Ordinance Amendment for April 6, 2020."

If you have any questions with regard to the above, please do not hesitate to contact me.

Very truly yours,
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 Areas.

1. Covered trash receptacles, surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure.

2. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type 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

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. Building Type. All principal uses shall be contained within a one story, free-standing building.

M-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)

N-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)
### Article XVI
#### Limited Industrial (LI)

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

### 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.
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.


11. Uses similar to the above, in accordance with Section 27.02(E), and which will not create adverse impacts to surrounding uses.

1. A Pet Crematorium is allowed under the following conditions:
   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 discernible 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 a 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)
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.

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recreation Uses</strong></td>
<td></td>
<td></td>
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<tr>
<td>Archery ranges, batting cages</td>
<td>P</td>
<td></td>
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<tr>
<td>Tennis court</td>
<td>P</td>
<td></td>
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<tr>
<td>Country clubs, golf courses, including “par three” golf driving ranges, miniature golf</td>
<td>P</td>
<td></td>
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<tr>
<td>Beaches and/or swimming pools</td>
<td>P</td>
<td></td>
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<tr>
<td>Historical sites and monuments</td>
<td>P</td>
<td></td>
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<tr>
<td>Public stables with a minimum size of forty (40) acres</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public parks to include township, county, regional, and state facilities</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Private parks, picnic parks, campgrounds</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Day camps</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Hunting and fishing preserves</td>
<td>S</td>
<td></td>
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<tr>
<td>Firing ranges</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Skating rinks</td>
<td>S</td>
<td></td>
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<tr>
<td>Ski hills</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Boat livery, marina, boat launching sites</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td><strong>Educational Uses</strong></td>
<td></td>
<td></td>
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<tr>
<td>Zoological gardens</td>
<td>P</td>
<td></td>
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<tr>
<td>Botanical gardens</td>
<td>P</td>
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<tr>
<td>Wildlife sanctuaries</td>
<td>P</td>
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<tr>
<td>Arboretums</td>
<td>P</td>
<td></td>
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<tr>
<td>Nature centers</td>
<td>P</td>
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<tr>
<td>Farms</td>
<td>P</td>
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<tr>
<td>Riding academies with a minimum size of forty (40) acres</td>
<td>P</td>
<td></td>
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<tr>
<td><strong>Other Land Uses</strong></td>
<td></td>
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<tr>
<td>Planning Unit Developments (PUD), subject to the standards and approval requirements set forth in Section 30.03.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Land Uses</strong></td>
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<td></td>
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</tbody>
</table>
**LAND USE** (added 07/16/18)

<table>
<thead>
<tr>
<th>P = Permitted by Right</th>
<th>S = Special Use</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings and structures customarily incidental to any of the principal uses when located on the same property</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miniature golf course, only when a part of a permitted golf driving range or other permitted golf course facility</td>
<td>P</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Display and sale of sports equipment or products that are related to the principal use.</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Seasonally used, air-support buildings as a non-permanent cover for a Principal Use Permitted</td>
<td>S</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>Outside storage per Section 27.19</td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

**Uses Not Permitted**

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

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**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.
Article XXVII  General Provisions

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. Signage. Signage on entranceway structures shall be limited only to the name and address of the subdivision, park, or development.

3. 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.

4. 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.
Article XXX

Administrative Procedures & Standards

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

- 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 Building 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.

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):

   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. Nineteen (19) copies of the site plan shall be submitted to the Clerk with the original copy of the application 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:

      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.
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:

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) Location, size, height, and lighting of all proposed signs.

5) Obscuring walls or berm locations with cross sections, where required.

6) 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.

7) 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)

8) 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)

9) Details of windows, recesses, roof over hangs, awnings, gables, soffitt, roof design and roofing materials. (added 01.02.07)

10) 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)

11) Information on masonry materials, siding or other materials, and patterns used for building exterior. (added 01.02.07)

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:

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 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).
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 documents. Nineteen (19) copies and one (1) original of the documents required for special land use approval shall be submitted to the Township 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: (amended 10.01.07. 05.18.09)

   a. The Road Commission for Oakland County and/or Michigan Department of Transportation.
Article XXX

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)*

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 follows found within the Special Land Use Application:

  ![SPECIAL LAND USE PROPOSED](image)

  For more information call:
  Charter Township of Orion
  Building Department
  (248) 391-0304 ext 159

- 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 Building-Planning Department 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.

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. The Concept Plan and application for a PUD shall be submitted to the Township Building Department, 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)*
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 Building Planning Department 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):
Article XXX
Administrative Procedures & Standards

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) 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 Chief Building Officer / Enforcement Officer 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 Building 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.
Article XXX

Administrative Procedures & Standards

30.04 Amendments to the Zoning Ordinance

b. Information regarding existing sanitary systems and/or septic systems and adequacy or feasibility of service.

c. Information regarding existing water mains, well sites, and adequacy or feasibility of service.

d. The location of regulated wetlands or floodplains.

d. A Traffic Impact Study (see 27.14, C, 2)

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 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.


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.
30.04 Amendments to the Zoning Ordinance

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.

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)

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 follows: 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.
• 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 process is complete.
Article XXX

Administrative Procedures & Standards

30.06 Appeals

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 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 regard 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.

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 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.
Article XXX  

Administrative Procedures & Standards

30.06 Appeals

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 water mains, well sites, and building service, existing and proposed.

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 Enforcement Officer Planning Department shall forward all Applications for Appeal, along with any supporting documents or site plans, to the ZBA.

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):

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.

e. Any petitioner shall appear in person or be represented by a duly authorized agent or attorney.

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)
Article XXX

30.11 Permits to Construct, Move, Alter or Change Use

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.

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 Building Planning Department 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
Article XXX  Administrative Procedures & Standards

30.11 Permits to Construct, Move, Alter or Change Use

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.

h. A record of temporary use Open Air Business permits granted by the Zoning Board of Appeals shall be maintained by the Building-Planning Department. 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 Building-Planning Department 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 Building-Planning Department.

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
Article XXXIV

Brown Road Innovation Zone

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.

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 34.02-R. 34.03 T.

9. Site plan applications shall comply with the submittal requirements of Section 30.31.

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 linear 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
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 18.5’ in height and shall be on the north side of the safety path and outward (towards road) facing. (added 07/17/17)

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.) Fixture Lighting Standards

H. 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Material Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick Column</td>
<td>Belden, Face Brick, Century Reds</td>
</tr>
<tr>
<td>Limestone Cap</td>
<td>Limestone Cap, 4” thick</td>
</tr>
</tbody>
</table>

- Columns shall be 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.

I. 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.
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.

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: The use of a device to display any word, numeral, figure, devise, letter, symbol, insignia, illustration, design, trademark, or combination of these by which information is made known to the general public and is visible from off the site or lot, and as further defined and described in the Orion Township Sign Ordinance, Ordinance No. 152. (amended 02.21.06) 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. Coronary displays or merchandise 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.

Sign, Accessory: A sign which is accessory to the principal use of the premises, by advertising only business transacted or goods sold or produced on the premises on which the sign is located.

Sign Area: The height multiplied by the width of the sign, including all component projections in that measurement. The sign area shall not include the supports or uprights on which the sign is placed.

Sign, Non-Accessory: A sign which is not accessory to the principal use of the premises.
**Sign, Off-Premise:** Any sign, including signs commonly referred to as “billboards”, that contain written or pictorial information that is not directly related to the principal use of the lot on which the sign is located.

**Sign, Residential Entranceway:** A permanent structure, including but not limited to walls, columns and gates, marking entrances to single-family subdivisions of multiple housing projects and identifying the subdivision or project by name, symbol or otherwise.

**Sign, Wall:** A sign mounted on the outside wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

**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, Building:** 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.
## LAND USE

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P = Permitted by Right</strong></td>
<td>SF, SE, SR</td>
<td></td>
</tr>
<tr>
<td>Single family detached dwellings.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Agriculture and farming use including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar agricultural enterprises or use of land and structure.</td>
<td>P</td>
<td>C, J</td>
</tr>
<tr>
<td>Mobile homes</td>
<td>P</td>
<td>K</td>
</tr>
<tr>
<td>Planned Unit Development, subject to the standards and approval requirements set forth in Section 30.03.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Publicly owned and operated municipal buildings, libraries, parks, parkways and recreational facilities.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Public, parochial, and private elementary, intermediate, and/or high schools offering courses in general education.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Churches</td>
<td>S</td>
<td>D</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>S</td>
<td>E</td>
</tr>
<tr>
<td>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.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Convalescent homes not to exceed a height of three (3) stories</td>
<td>S</td>
<td>F</td>
</tr>
<tr>
<td>Day care centers</td>
<td>S</td>
<td>G</td>
</tr>
<tr>
<td>Bed and breakfasts</td>
<td>S</td>
<td>H</td>
</tr>
<tr>
<td>Adult group day care homes, adult foster care small group homes, adult foster care large group homes, child group day care homes</td>
<td>S</td>
<td>I</td>
</tr>
<tr>
<td><strong>Accessory Land Use</strong></td>
<td>SF, SE, SR</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td>J</td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>Farm buildings and greenhouses.</td>
<td>P</td>
<td>J</td>
</tr>
<tr>
<td>Farms, including livestock and poultry raising, dairying, horticulture, forestry, sod farming and similar bona fide agricultural enterprises or use of land and structure.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Tree and shrub nurseries.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Within SF District only.</strong> 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.</td>
<td>P</td>
<td>B</td>
</tr>
<tr>
<td>Private stables</td>
<td>P</td>
<td>C, J</td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>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.</td>
<td>S</td>
<td>J</td>
</tr>
</tbody>
</table>
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:
Article V  
Single Family Residential - SF, SE & SR

<table>
<thead>
<tr>
<th>Number of Animals</th>
<th>Minimum Parcel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.5 Acres</td>
</tr>
<tr>
<td>2 or more</td>
<td>1 additional acre for each animal</td>
</tr>
</tbody>
</table>

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. Subject to the following:

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. A site of at least two (2) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.

5. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.

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.
# Article VI

## Single Family Residential: R-1, R-2 & R-3

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zoning District</th>
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<tbody>
<tr>
<td><strong>P = Permitted by Right</strong></td>
<td><strong>S = Special Use</strong></td>
<td><strong>R-1, R-2, R-3</strong></td>
</tr>
<tr>
<td>Single family detached buildings.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Agriculture &amp; farming use, including livestock and poultry raising, dairying, horticulture, forestry, sod farming, and similar agricultural enterprises or use of land or structures.</td>
<td>P</td>
<td>C, O</td>
</tr>
<tr>
<td>Mobile homes</td>
<td>P</td>
<td>A</td>
</tr>
<tr>
<td>Planned Unit Development, subject to standards &amp; approval requirements set forth in Section 30.03.</td>
<td>P</td>
<td></td>
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<td>Adult family day care homes, adult foster care family homes, child family day care homes and child foster family group homes.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Publicly owned &amp; operated municipal buildings, libraries, parks, parkways, &amp; recreational facilities.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Public, parochial and private elementary, intermediate and/or high schools offering courses in general education.</td>
<td>S</td>
<td>D</td>
</tr>
<tr>
<td>Churches</td>
<td>S</td>
<td>E</td>
</tr>
<tr>
<td>Cemeteries</td>
<td>S</td>
<td>F</td>
</tr>
<tr>
<td>Public utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Publicly owned swimming and/or bathing beaches, as a principal use or an accessory use.</td>
<td>S</td>
<td>G</td>
</tr>
<tr>
<td>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 livery or commercial bathing beaches.</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Swimming pool clubs</td>
<td>S</td>
<td>H</td>
</tr>
<tr>
<td>Convalescent homes</td>
<td>S</td>
<td>I</td>
</tr>
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<td>S</td>
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<td>Bed and breakfasts</td>
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<td>L</td>
</tr>
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</table>

## Accessory Land Uses

<table>
<thead>
<tr>
<th>Accessory Land Uses</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>S</td>
<td>O</td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td>B</td>
</tr>
<tr>
<td>Private stables</td>
<td>P</td>
<td>C, O</td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td>O</td>
</tr>
<tr>
<td>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.</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Poultry, rabbits, sheep and goats may be kept as an accessory use on a non-commercial basis for use on the premises</td>
<td>S</td>
<td>M</td>
</tr>
<tr>
<td>Private swimming pools, except those located within a principal use</td>
<td>P</td>
<td>N</td>
</tr>
</tbody>
</table>
2. The commercial vehicle is not a dump truck, stake truck, flatbed truck, wrecker, septic tank pumper, semi-truck, 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.

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:

<table>
<thead>
<tr>
<th>Number of Animals</th>
<th>Minimum Parcel Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2.5 Acres</td>
</tr>
<tr>
<td>2 or more</td>
<td>1 Additional acre for each animal</td>
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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. Subject to the following:

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. A site of at least two (2) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.

5. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
TO: Charter Township of Orion Board of Trustees  
FROM: Tammy Girling, Planning & Zoning Director  
DATE: March 9, 2020  
RE: PC-2019-38, Text Amendment to Zoning Ordinance #78, Articles 2, 5, 6, 14, 16, 24, 27, 30 & 34

Throughout the year, as issues are found within the Zoning Ordinance text, unless serious in nature they are set aside to do a future text amendment when the workflow allows. PC-2019-38 is a proposed text amendment to Zoning Ordinance #78 which "cleans up" a few issues that have been identified. All proposed changes have been provided to you in "red-line" form. A public hearing was conducted by the Planning Commission on March 4, 2020 and at that same meeting the following Motion was made and passed:

Moved by Commissioner Gross, seconded by Vice-Chairman Reynolds, that the Planning Commission recommend to the Township Board to approve and adopt, PC-2019-38, for the Initiated Text Amendment to Zoning Ordinance No. 78, Articles 2, 5, 6, 14, 16, 24, 27, 30 and 34, of the Zoning Ordinance.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Ryan, yes; Dunaskiss, yes. Motion carried 7-0

Attached please find: The red-line proposed text, the Public Hearing Minutes, and the 3/4/20 Planning Commission Regular Meeting Minutes. Please do not hesitate to contact me with any questions at x 5000.
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 it a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

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: The use of a device to display any word, numeral, figure, device, letter, symbol, insignia, illustration, design, trademark, or combination of these by which information is made known to the general public and is visible from off the site or lot, and as further defined and described in the Orin Township Sign Ordinance, Ordinance No. 159. (amended 02.21.06) 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, sidewalks, 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.

Sign, Accessory: A sign which is necessary to the principal use of the premises, by advertising only business transacted or goods sold or produced on the premises on which the sign is located.

Sign Area: The height multiplied by the width of the sign, including all component projections in that measurement. The sign area shall not include the supports or uprights on which the sign is placed.

Sign, Non-Accessory: A sign which is not necessary to the principal use of the premises.
Article II  Construction of Language & Definitions

Sign, Off-Premise: Any sign, including signs commonly referred to as "billboards," that contain written or pictorial information that is not directly related to the principal use of the lot on which the sign is located.

Sign, Residential Entranceway: A permanent structure, including but not limited to walls, columns, and gates, marking entrance to single-family subdivisions of multiple housing projects and identifying the subdivision or project by name, symbol, or otherwise.

Sign, Wall: A sign mounted on the outside wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

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.  

Illustration 2.8

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.
<table>
<thead>
<tr>
<th>Land Use</th>
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<th>Zoning District</th>
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<td>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.</td>
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### 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.

- Accessory buildings, structures and uses, 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.

- 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.

- 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.
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.

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:
### Article V

**Single Family Residential - SF, SE & SR**

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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. Subject to the following:

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. A site of at least two (2) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.

5. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.

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.
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<td>Public utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.</td>
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<td>Publicly owned swimming and/or bathing beaches, as a principal use or an accessory use.</td>
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<tr>
<td>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.</td>
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<td>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.</td>
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<td>Poultry, rabbits, sheep and goats may be kept as an accessory use on a non-commercial basis for use on the premises</td>
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<td>Private swimming pools, except those located within a principal use</td>
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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.

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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. Subject to the following:

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. A site of at least two (2) acres shall be required. Development shall not be permitted on any part of a recorded subdivision plat.

5. Off-street parking shall be provided on the site in a ratio of one space for each six (6) feet of pew length in the main sanctuary or one space for each three (3) persons as designated in the maximum occupancy load of the main sanctuary.
6. Where commercial uses abut residential uses, the Planning Commission may require a greenbelt buffer, bern, 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 Areas.

1. Covered trash receptacles, surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure.

2. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type 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

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. Building Type. All principal uses shall be contained within a one story, free standing building.

M.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, 02.03.01)

N.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)
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<td>S*</td>
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</tr>
<tr>
<td><strong>Eating and Drinking Establishments</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant (no drive-thru or carry-out)</td>
<td>S</td>
<td>C</td>
</tr>
<tr>
<td>Restaurants, including drive-through restaurants</td>
<td>S*</td>
<td>H</td>
</tr>
<tr>
<td>Outdoor café</td>
<td>S</td>
<td>D</td>
</tr>
<tr>
<td>Outdoor patio</td>
<td>P</td>
<td>E</td>
</tr>
<tr>
<td><strong>General Retail</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Showrooms for retail activities associated with fabrication, assembly processing, or wholesaling.</td>
<td>S*</td>
<td>H</td>
</tr>
<tr>
<td><strong>General Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Printing, copying, or shipping stores</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Hotels and motels</td>
<td>S*</td>
<td>H</td>
</tr>
<tr>
<td>Financial and insurance service (banks, credit unions, etc. with or without drive-through)</td>
<td>S*</td>
<td>H</td>
</tr>
<tr>
<td><strong>Civic and Institutional</strong></td>
<td></td>
<td></td>
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<tr>
<td>Public utility buildings</td>
<td>S</td>
<td>F</td>
</tr>
<tr>
<td>Electric and gas transformer/regulator stations</td>
<td>S</td>
<td>F</td>
</tr>
<tr>
<td>Churches</td>
<td>S*</td>
<td>H</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outdoor storage as a principal use, in accordance with Section 27.19.</td>
<td>P, S</td>
<td></td>
</tr>
<tr>
<td><strong>Pet Crematorium</strong></td>
<td>P</td>
<td>I</td>
</tr>
<tr>
<td>Planned Unit Development, subject to the standards and approval requirements of Section 30.03</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Accessory Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory buildings and accessory uses customarily incidental to the permitted uses in this Section, in accordance with Section 27.02.</td>
<td>P</td>
<td>G</td>
</tr>
<tr>
<td>Outdoor storage as an accessory use, in accordance with Section 27.19</td>
<td>P, S</td>
<td></td>
</tr>
</tbody>
</table>

**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 be abutting 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.

109

*Charter Township of Orion Zoning Ordinance 78*
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.


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:

   0. 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 discernible 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 a 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)
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.

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

## LAND USE: 

<table>
<thead>
<tr>
<th>P = Permitted by Right</th>
<th>S = Special Use</th>
<th>Zoning District</th>
<th>Footnotes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory buildings and structures customarily incidental to any of the principal uses when located on the same property</td>
<td></td>
<td>REC-2</td>
<td></td>
</tr>
<tr>
<td>Miniature golf course, only when a part of a permitted golf driving range or other permitted golf course facility</td>
<td>P</td>
<td></td>
<td>A</td>
</tr>
<tr>
<td>Display and sale of sports equipment or products that are related to the principal use.</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>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.</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Seasonally used, air-support buildings as a non-permanent cover for a Principal Use Permitted</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Outside storage per Section 27.19</td>
<td></td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

## Uses Not Permitted

- 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.

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Charter Township of Orion Zoning Ordinance 78  
Page 24 - 2
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. Signage. Signage on entranceway structures shall be limited only to the name and address of the subdivision, park, or development.

3. 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.

4. 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.
Article XXX
Administrative Procedures & Standards

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

- 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 Building 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.

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):

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. Nineteen (19) copies of the site plan shall be submitted to the Clerk with the original copy of the application, 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:

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.
Article XXX

Administrative Procedures & Standards

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

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:

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) Location, size, height, and lighting of all proposed signs.

5) Obscuring walls or berm locations with cross sections, where required.

6) 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.

7) 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)

8) 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)

9) Details of windows, recesses, roof over hangs, awnings, gables, soffitt, roof design and roofing materials. (added 01.02.07)

10) 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)

11) Information on masonry materials, siding or other materials, and patterns used for building exterior. (added 01.02.07)

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 water mains, 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.

c. 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:

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.

f. 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 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).
Article XXX  Administrative Procedures & Standards

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

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 documents. Nineteen (19) copies and one (1) original of the application materials for special land use approval shall be submitted to the Township 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: *(amended 10.01.07, 05.18.09)*

   a. The Road Commission for Oakland County and/or Michigan Department of Transportation.
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)

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 follows found within the Special Land Use Application:

  SPECIAL LAND USE PROPOSED
  For more information call:
  Charter Township of Orion
  Building Department
  (248) 391-0304 ext. 159

- 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 Building-Planning Department 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)
Article XXX

Administrative Procedures & Standards

30.03 Planned Unit Development

4. Procedures. The procedures for PUD approval are summarized in the PUD process flow chart found at the end of this section.

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. The Concept Plan and application for a PUD shall be submitted to the Township Building Department, 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)
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 Building Planning Department 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):

Revised 11/17/16
Article XXX  

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 24.35.08 06.07.11 11.07.11) 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 Chief Building Officer / Enforcement Officer – 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 Building 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.

c. Information regarding existing water mains, well sites, and adequacy or feasibility of service.

d. The location of regulated wetlands or floodplains.

d-e. A Traffic Impact Study (see 27.14, C. 2)

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.


   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 is making notification. In addition, notice must also be given to each electric, gas and pipeline utility company, any telecommunications 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.
Article XXX  Administrative Procedures & Standards

30.04 Amendments to the Zoning Ordinance

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.

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)

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 follows 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.
• 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 exception.

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...
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.

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 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.

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 Enforcement Officer, Planning Department shall forward all Applications for Appeal, along with any supporting documents or site plans, to the ZBA.

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):

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.

e. Any petitioner shall appear in person or be represented by a duly authorized agent or attorney.

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)
Article XXX

Administrative Procedures & Standards

30.11 Permits to Construct, Move, Alter or Change Use

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.

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 Building Planning Department 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

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Charter Township of Orion Zoning Ordinance 78

Revised 11/17/16

Page 30 - 55
Article XXX

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.

h. A record of temporary use Open Air Business permits granted by the Zoning Board of Appeals shall be maintained by the Building Planning Department. 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 Building Planning Department 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 04.15.16)

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 Building Planning Department.

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

Revised 11/17/16
Charter Township of Orion Zoning Ordinance 78 129
Page 30 - 57
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.

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 34.02 R- 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
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 48.5' in height and shall be on the north side of the safety path and outward (towards road) facing. *(added 07.17.17)*

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.) Fixture Lighting Standards

---

H. 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Material Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brick Column</td>
<td>Belden, Face Brick, Century Reds</td>
</tr>
<tr>
<td>Limestone Cap</td>
<td>Limestone Cap, 4&quot; thick</td>
</tr>
</tbody>
</table>

- Columns shall be 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.

I. 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.
The Charter Township of Orion Planning Commission held a Public Hearing on Wednesday, March 4, 2020 at 7:05pm at the Orion Township Hall, 2525 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:
Justin Dunaskiss, Chairman
Don Gross, Commissioner
Don Walker, PC Rep to ZBA
Judy Ryan, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:
None

CONSULTANTS PRESENT:
Eric Fazzini (Township Planner) of Giffels Webster
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:
Debra Walton

Planning & Zoning Director Girling gave an overview of the text amendments. She noted, that it was the text amendments with changes to all the articles, that the Chair had listed. Article #2, they altered definitions related to signs. Article #5 and 6, they added a reference to an existing footnote to a use, related to stables. Article #14, they removed the language only allowing a one-story building. Article #16, added the use and criteria for a pet crematorium. Article #24, added the use of batting cages, and miniature golf. Article #27, added language related to plans submittal. Removed text related to signage requirements. Removed detailed information on required sign for rezones, and special land uses. Changed the directive to talk to the Planning & Zoning, versus, talking to the Building Department. Added references to another section, as it relates to the need for a traffic study for a rezone. Articles#30 and #34, changing incorrect section references and added more detail on the specifications for, and the placement of streetlights within BIZ. There were other changes that they discussed previously that were clerical, and she did not include them, because they do not require a public hearing; they can simply be changed.

Chairman Dunaskiss asked if there were any members of the public that would like to speak? There were none.

Chairman Dunaskiss asked if any members of the Planning Commission had any comments? There were none.

Chairman Dunaskiss closed the Public Hearing at 7:08pm.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion
8. UNFINISHED BUSINESS

A. PC-2019-38, Text Amendment to Ordinance #78, Articles 2, 5, 6, 14, 16, 24, 27, 30, and 34.

Chairman Dunaskiss asked Planning & Zoning Girling if she had anything else that she would like to add? Planning & Zoning Girling replied, nothing.

Chairman Dunaskiss asked if Planner Fazzini had anything to add or highlight? Planner Fazzini replied, no.

Chairman Dunaskiss asked if the Commissioners had any comments? Commissioner Gross stated that they had discussed this previously, and it did comply with the previous comments and discussion. It also complied with the Planning Directors’ desires to make the ordinance more efficient.

Moved by Commissioner Gross, seconded by Vice-Chairman Reynolds, that the Planning Commission recommend to the Township Board to approve and adopt, PC-2019-38, for the Initiated Text Amendment to Zoning Ordinance No. 78, Articles 2, 5, 6, 14, 16, 24, 27, 30 and 34, of the zoning ordinance.

Roll call vote was as follows: Walker, yes; Reynolds, yes; St. Henry, yes; Steimel, yes; Gross, yes; Ryan, yes; Dunaskiss, yes. Motion carried 7-0.

B. PC-2020-05, Text Amendment to Ordinance #78, RM-1 and RM-2.

Chairman Dunaskiss asked Planner Fazzini for an overview of the amendments.

Planner Fazzini stated that at the last meeting they took their comments on the (RM-1) and (RM-2) Districts, and they will address those at the next meeting.

Planner Fazzini said that in their packets they received excerpts from nearby communities on what their requirements are for their multiple-family districts, which are comparable to the (RM-1) and (RM-2) Districts in Orion Township.

Planner Fazzini added that there was a handout that was provided that tries to assimilate those standards in a way that they could relate to Orion Township standards. That is something that they could consider prior to the next meeting, as they think about what changes are appropriate to the (RM-1) and (RM-2) Districts.

Planner Fazzini started with Addison Township. He stated that Addison Township has the (MD) Multiple Dwelling District and noted that they have a maximum density cap of six and a half (6.5) dwelling units per acre. That is an overriding density cap that is similar to what Orion Township has now, six (6) dwelling units per acre in the (RM-1) District. Addison Township’s minimum floor area is comparable to Orion Township, the efficiency is less. The one (1) bed and two (2) bed are the same as what is proposed, and the three (3) bed is the same as what Orion Township currently has. They have a ground floor lot coverage of 25% in Addison Township and is equal to what Orion Township requires now. The relationship between maximum density, minimum lot area, and the minimum floor area, varied depending on what type of development they are getting. They don’t have a minimum lot area currently. Taking the mix of bedroom unit types, that a developer proposes, and giving them a calculation that they have to have a certain size parcel to do the mix, that they want to do. It is more of a land-based density requirement, depending on the mix. The minimum floor area is something that they currently have, and that is something that they can compare easily to other communities. They can also see that with
Agenda Item Summary

To: Orion Township Board of Trustees
From: Penny S. Shults, Clerk
Meeting Date: March 16, 2020
Memo Date: March 12, 2020
Subject: Action After Hearing - Sheardy Pavilion Trust Fund Grant Application

☐ Consent ☒ Pending

Explanation
The Public Hearing on the Sheardy Pavilion Trust Fund Grant Application will be held Monday, March 16, 2020. Action is required after the hearing. Board Action will be based on the Public Hearing.
CHARTER TOWNSHIP OF ORION  
COUNTY OF OAKLAND, STATE OF MICHIGAN  
RESOLUTION:  
For Application to the Michigan Natural Resources Trust Fund Grant

At a regular meeting of the Charter Township of Orion Board of Trustees held on Monday, March 16, 2020, the following Resolution was offered by ______ and supported by _____.

Whereas; the Township of Orion adopted a 5-Year Parks & Recreation Master Plan (2019-2023); and

Whereas; the Parks & Recreation Master Plan has identified several priorities, one of which is improvements to the Sheardy Pavilion at Civic Center Park, and

Whereas, the 2020 Michigan Natural Resources Trust Fund (MNRTF) has grant funds available for the construction costs of the pavilion improvements, and

Whereas; the Orion Township Board of Trustees believes it to be appropriate to submit an application for a MNRTF grant in the amount of $300,000, 75% of the total construction cost, and

Whereas, the Township Board has identified sources of funding to secure the local 25% match, which would total $103,000. This match consists of $103,000 from Parks & Recreation funds.

NOW, THEREFORE, BE IT RESOLVED that the Township of Orion hereby resolves to take all actions necessary to submit a 2020 Township of Orion Michigan Natural Resources Trust fund (MNRTF) grant application in connection with the above referenced Sheardy Pavilion Improvements, as outlined in the application.

AYES:

NAYS:

ABSENT:

Certification: I, Penny S. Shults, duly elected Clerk of the Charter Township of Orion, do hereby certify that the foregoing is a true copy of a resolution adopted by the Charter Township of Orion Board of Trustees at a Regular Meeting held on Monday, March 16, 2020, at 7:00 p.m. at Orion Township Hall, 2525 Joslyn Rd., Lake Orion, Michigan 48360.

Signed: __________________________
Penny S. Shults, Clerk
Charter Township of Orion
Date: ______________________

135
Agenda Item Summary

To: Orion Township Board Members
From: Chris Barnett, Township Supervisor

Meeting Date: March 16, 2020
Memo Date: March 12, 2020
Subject: Jordan Road Pocket Park

REQUEST
To direct the accounting controller to reallocate funds and complete the appropriate budget adjustment for the Jordan Road Pocket Park.

REASON
The Township acquired the property located at Jordan and Baldwin Roads from RCOC as part of the excess property remaining after the Baldwin Road widening project. With assistance from OHM, a concept plan of a “playful dragon” was created and used to obtain the Play Everywhere Challenge Grant through KaBOOM! funded by the Ralph C. Wilson, Jr. Foundation. The concept plan was sent out to different custom playground manufacturers, all of which are part of a cooperative purchasing program. Landscape Structures best represented the original design and was selected. The concept was further refined to reduce costs. Funds need to be reallocated in order to begin the manufacturing process.

PROCESS
We need to make the following budget adjustments to fund the park improvements. Move $120,000 from CIA – Capital Outlay – Grounds, $25,000 from General Fund – Dues & Misc., and $10,000 from General Fund – HWY & Streets – Repairs – Roads to Parks & Rec – Jordan Pocket Park.

BUDGET
If yes, fill out information below:

Financial Item? ☒
Expected Invoice Date: Click or tap to enter a date.
Project/Grant Tracking? ☒
Reviewed by Budget Director? ☒
**RECOMMENDATION (Motion)**

Direct the accounting controller to reallocate “Cost of Item/Project” funds (listed in the table in the ‘Budget’ section) to “Parks & Rec. – Jordan Pocket Park” (208-751-973.000-19PR002) and complete the appropriate Budget Adjustment.

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Amount Budgeted for G/L</th>
<th>Cost of Item/Project</th>
<th>Remaining Budget after cost of item/project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks &amp; Rec – Jordan Pocket Park</td>
<td>208-751-973.000-19PR002</td>
<td>$165,000</td>
<td>$165,000</td>
<td>$0</td>
</tr>
<tr>
<td>- $100,000 contribution from Parks &amp; Rec</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- $65,000 from Grant</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CIA – Capital Outlay – Grounds</td>
<td>247-958-974.000</td>
<td>$220,000</td>
<td>$120,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>General Fund – Dues &amp; Misc</td>
<td>101-248-956.000</td>
<td>$77,240</td>
<td>$25,000</td>
<td>$52,240</td>
</tr>
<tr>
<td>General Fund – HWY &amp; Streets – Repairs - Roads</td>
<td>101-446-938.001</td>
<td>$20,000</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>IN KIND SITE WORK (Pulte Homes)</td>
<td></td>
<td></td>
<td>$65,000</td>
<td></td>
</tr>
<tr>
<td>Total Project Cost:</td>
<td></td>
<td></td>
<td>$385,000</td>
<td></td>
</tr>
</tbody>
</table>
Agenda Item Summary

To: Chris Barnett, Supervisor

From: David Goodloe, Building Official

Meeting Date: 3/16/2020

Memo Date: 3/11/2020

Subject: 2019 Building Dept. Update

REQUEST Receive and file 2019 Building Department update

REASON Annual report for Building Department

PROCESS Receive and file

BUDGET

If yes, fill out information below:

Financial Item? ☐

Project/Grant Tracking? ☐

Expected Invoice Date: Click or tap to enter a date.

Reviewed by Budget Director? ☐

<table>
<thead>
<tr>
<th>Fund Name</th>
<th>Account No.</th>
<th>Description</th>
<th>Budget Amount</th>
<th>Cost</th>
<th>Remaining Budget</th>
</tr>
</thead>
</table>

RECOMMENDATION (Motion)

Motion to receive and file 2019 Building Department Update.
Contents
1. Mission Statement ................................................................. 2
2. Introduction ............................................................................... 2
3. Permits .................................................................................... 2
4. Types of Projects ...................................................................... 3
5. Financials ................................................................................ 4
6. Code Enforcement ..................................................................... 5
7. Moving Forward ........................................................................ 6
8. U.S. Census Bureau Forecast .................................................. 8
1. **Mission Statement**

   Our primary mission is to safeguard the public, promote the health, safety, and welfare of Orion Township through enforcement of the Michigan Building Code. We are dedicated to offering quality and timely services to all citizens through excellence in client service, continuous improvement, and personal care. We believe that through education and cooperation, we can and will build positive working relationships within our community.

2. **Introduction**

   It is the responsibility of the Building Official to show elected leadership what the department duties include and inform them of the status of the Building Department. This report is to inform you about the state of the Building Department; its fiscal position, volume, types of licenses, and the goals set to better client service. As elected officials it is prudent that you know the state of the building department and the goals that are in place for the department. The Building Department is made up of dedicated, talented, and knowledgeable professionals that are eager to learn and serve the public.

3. **Permits**

   We are happy to inform the board that we now offer online permits to contractors and homeowners. This streamlines the process, making it much more efficient. 2019 was another highly productive year for the Department. We are anticipating the permit count will remain constant for 2020. We hope some new developments like Waldon Meadows, Gregory Meadows and activity on Brown Rd. will maintain our momentum into 2021.

   ![Yearly Permit Count](chart)

   ![Building Permit Comparison with other Communities](chart)

<table>
<thead>
<tr>
<th>Year</th>
<th>Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>2030</td>
</tr>
<tr>
<td>2014</td>
<td>3285</td>
</tr>
<tr>
<td>2015</td>
<td>2989</td>
</tr>
<tr>
<td>2016</td>
<td>2735</td>
</tr>
<tr>
<td>2017</td>
<td>3328</td>
</tr>
<tr>
<td>2018</td>
<td>3235</td>
</tr>
<tr>
<td>2019</td>
<td>3156</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community</th>
<th>Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rochester Hills</td>
<td>669</td>
</tr>
<tr>
<td>Orion Township</td>
<td>601</td>
</tr>
<tr>
<td>Independence</td>
<td>469</td>
</tr>
<tr>
<td>Auburn Hills</td>
<td>525</td>
</tr>
<tr>
<td>Oakland</td>
<td>321</td>
</tr>
<tr>
<td>Oxford</td>
<td>49</td>
</tr>
</tbody>
</table>

   Building Permit Comparison with other Communities
4. Types of Projects

Residential projects make up a majority of the permits within Orion Township and the Village. We believe there will be an increase in commercial projects with the development of Brown Rd. and Oakland Business Park. We are confident that new home production will remain consistent. Bald Mountain is coming to a close, but we have Gregory meadows, Breckenridge, and Waldon Meadows scheduled to begin in the Spring of 2020. Many well-known businesses have applied for permits and began operation in the Township over the past year.
5. Financials

The construction done over the past year in Orion Township is valued at nearly Eighty Million Dollars. Since 2016 we have had over Three Hundred Million of construction value invested in the Township. Working with the Clerks Department we were able to carry $176,000 of revenue from 2019 into 2020. Having the flexibility to carry unearned revenue from one year to the next will help stabilize our department's budget. This accounts for a majority of the change from 2018. Our fees are competitive with surrounding communities and at this time we do not think they need to be adjusted to recover our cost of operations. This may be a conversation that will be needed in the future if the department continues to show profit. We appreciate the Board of Trustees support when we propose fee schedule changes.

*$176,000 carried over from 2019 into 2020.

Total Revenue v. Expenditure Breakdown

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Permits</td>
<td>*$968,931.00</td>
</tr>
<tr>
<td>Village Permits</td>
<td>$61,785.00</td>
</tr>
<tr>
<td>Twp. Reinspection Fees</td>
<td>$5,520.00</td>
</tr>
<tr>
<td>Village Reinspection Fees</td>
<td>$540.00</td>
</tr>
<tr>
<td>Application Fees</td>
<td>$44,475.00</td>
</tr>
<tr>
<td>Plan Review Fees</td>
<td>$97,652.00</td>
</tr>
<tr>
<td>Building Trade Licenses</td>
<td>$10,930.00</td>
</tr>
<tr>
<td>Fire Suppression Fees</td>
<td>$12,637.00</td>
</tr>
<tr>
<td>Soil Erosion Permits</td>
<td>$39,210.00</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$1,129,730.00</td>
</tr>
<tr>
<td>Total Expenditures</td>
<td>$919,765.00</td>
</tr>
<tr>
<td>Carry Over</td>
<td>$176,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$209,965.00</td>
</tr>
</tbody>
</table>

*$176,000 carried over from 2019 into 2020.
6. Code Enforcement

Enforcing the Ordinances is an important obligation that is expected by the public. We have been working with our code enforcement team to uphold Township Ordinances and keep our community clean and safe. Our code enforcement team has been working diligently to rid our community of unsafe, and unsightly properties. The team accomplishes compliance through compassion and understanding. We are proud that we do not have to fine or ticket the majority of our violations yet receive compliance through cooperation. Merely 2% of cases ever reach court or fine condition. Of the 605 enforcements we had 14 court cases. Our proactive approach to code enforcement is working. Our annual enforcements continue to decrease. We leave courtesy notices on violations that usually get compliance.
7. Moving Forward

I think that consistency within our industry helps homeowners and trades know what to anticipate. By communicating with other building officials in neighboring communities, I hope to establish more consistent practices. We have set several policies and procedures within the department to provide that consistency. Some of the initiatives for this year are:

1. Proactive Code Enforcement
2. Building Safety Month in May
3. Use website more effectively
If you have any questions concerning this report, contact David Goodloe in the Building Department.
Building Permits
Privately-owned housing units authorized by building permits in January were at a seasonally adjusted annual rate of 1,551,000. This is 9.2 percent (±2.1 percent) above the revised December rate of 1,420,000 and is 17.9 percent (±1.3 percent) above the January 2019 rate of 1,316,000. Single-family authorizations in January were at a rate of 987,000; this is 6.4 percent (±2.5 percent) above the revised December figure of 928,000. Authorizations of units in buildings with five units or more were at a rate of 522,000 in January.

Housing Starts
Privately-owned housing starts in January were at a seasonally adjusted annual rate of 1,567,000. This is 3.6 percent (±13.3 percent) * below the revised December estimate of 1,626,000, but is 21.4 percent (±12.2 percent) above the January 2019 rate of 1,291,000. Single-family housing starts in January were at a rate of 1,010,000; this is 5.9 percent (±11.6 percent) * below the revised December figure of 1,073,000. The January rate for units in buildings with five units or more was 547,000.

Housing Completions
Privately-owned housing completions in January were at a seasonally adjusted annual rate of 1,280,000. This is 3.3 percent (±8.4 percent) * below the revised December estimate of 1,323,000, but is 1.5 percent (±11.7 percent) * above the January 2019 rate of 1,261,000. Single-family housing completions in January were at a rate of 877,000; this is 3.5 percent (±6.8 percent) * below the revised December rate of 909,000. The January rate for units in buildings with five units or more was 397,000.
Oakland County Sheriff's Office
Orion Township Substation
Weekly "Calls for Service" Summary:

Time period: 2-24-2020 to 3-01-2020

- Calls for service: 371
- Felony Arrests: 3
- Misdemeanor Arrests: 3
- Accidents: 27

20-0039811 02/24/2020 9:51PM Suicidal Subject – K-9 Assist

A caller advised that her son was punching holes in the walls and made statements that he wanted to kill himself. Caller further advised that her 17-year-old son went outside and took off in an unknown direction possible into the woods with no shoes or jacket on. K-9 units were requested to assist in the search. Deputies were able to get the 17-year-old on the phone and convinced him to return to the residence. Once he returned home Deputies spoke with him and determined that he needed to have a mental health evaluation. Both mother and son were transported by EMS to Ascension Providence Rochester hospital for treatment. No injuries were reported.

20-0040202 02/25/2020 1:20PM Retail Fraud Report

Deputies were dispatched to the 400 Block of Brown Rd, Menards, for a Retail Fraud Report. Deputies spoke with the manager who stated that an individual came into the store twice the first 01/07/2020 and made a purchase in the amount of $109.32 using a credit card. The second purchase was made on 1/13/2020 in the amount of $56.52 also using a credit card. The suspect then exited the store went to the lumber yard on both dates and took a total of $1,484.19 worth of building materials and left the area making no attempt to pay for the items. Suspects unknown. All information, and video was collected and turned over to the detective bureau, investigation continues.
Deputies met the complainant at the Orion Substation for a fraud report. The 48-year-old resident of Orion Township stated that he was frauded out of $8000. The victim had been given money for a home repair by the Suspect via credit card. That credit card later was to be invalid and the Suspect requested that the complainant open a new account so he could wire him the money. After the account was open, the complainant received a call stating the $8000 was gone. Detectives are currently investigating this case.

Deputies and Detectives from the Fugitive Apprehension Team (FAT) responded to the 700 block of Heights to assist the Michigan Department of Corrections (MDOC). MDOC had received a complaint from the sister of a parolee that he had made threats against her via telephone. MDOC violate his parole and issued an expedited warrant for the subject’s arrest. Due to the nature of the complaint and history of the subject, FAT was notified to assist in the subject’s apprehension. The subject, a 51-year-old resident of Orion, was taken into custody without incident. Custody of the subject was transferred to Officers from MDOC. The sister subsequently responded to the Orion station to file a Threats report. Detectives are reviewing the case for pending charges.

While on routine patrol Deputies observed a vehicle on Brown Rd stopped for the light at Joslyn Rd. The vehicle made a right turn on a red light (posted no turn on red) and started south bound on Joslyn Rd. Deputies conducted a traffic stop on the vehicle and interviewed the driver and passenger. The driver admitted to not having a valid driver’s license and to having a hand- gun in the vehicle. The vehicle was owned by the passenger. Deputies recovered a loaded 32 caliber handgun under the passenger’s front seat with an additional 32 caliber rounds found under the driver’s front seat. Deputies interviewed the driver and he admitted the unregistered gun and ammunition was his. The Driver claimed that he found the handgun lying in the street in Pontiac. The 27-year-old driver was arrested and charged on a three count illegal Firearm complaint and the firearm was placed into evidence.
Deputies were dispatched to the area of Baldwin and Waldon Rd for a possible intoxicated driver. Deputies immediately located the vehicle stopped at red light at the intersection of Baldwin and Waldon, the vehicle then turned onto Waldon heading east bound with no taillights. Deputies stopped the vehicle and contacted the driver and an investigation revealed that the driver had been drinking. The driver was identified as a 47-year-old Lake Orion resident. The driver was unsteady on her feet and signs she had been drinking. The driver refused to submit to a PBT. The driver was placed under arrest for Operating while Intoxicated and transported to the hospital for a blood draw. The driver was transported to the Oakland County Jail without incident.

Deputies were dispatched to the 4000 block of Baldwin Road, Orion Township to assist Auburn Hills in locating a vehicle and driver wanted in connection to an incident in their City in which a driver was attempting to stop another motorist using a badge and emergency lights on a red pick-up truck. Deputies located the vehicle and the 21-year-old driver and recovered the lights and EMS type badge. Auburn Hills took custody of the Sterling Heights resident along with evidence.

Anyone with information or crime tips regarding these incidents are encouraged to contact the Orion Township Sheriff’s Office Substation at 248 393-0090 for tips, or our Dispatch Center at 248 858-4911 for incidents in-progress. Tipsters can remain anonymous.
Total response to calls for 2020 – 117
February 19 to March 3, 2020

Medicals – 79
Personal Injury Accidents – 3
Fires (Structure, Vehicle, Outdoor) – 4
Burning Complaints - 0
Citizen Assists – 6
Good Intent/False Alarm – 14
Other – 11

February 19, 2020

<table>
<thead>
<tr>
<th>Call Type</th>
<th>Total</th>
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<tbody>
<tr>
<td>Medical</td>
<td>6</td>
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<tr>
<td>Gas Leak</td>
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</tr>
<tr>
<td>Downed Wire</td>
<td>1</td>
</tr>
<tr>
<td>False Alarm</td>
<td>2</td>
</tr>
<tr>
<td>CO detector activation, no CO</td>
<td>1</td>
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<tr>
<td><strong>Grand Total</strong></td>
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February 20, 2020

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<td>Gas Leak</td>
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<td>Smoke detector malfunction</td>
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February 21, 2020

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<tbody>
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<td>Vehicle Accident</td>
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<td>Lift Assist</td>
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<td><strong>Grand Total</strong></td>
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February 23, 2020

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February 24, 2020

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<tr>
<td>Lift Assist</td>
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<td>Cooking Fire</td>
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February 25, 2020

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February 26, 2020

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February 27, 2020

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<tbody>
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<tr>
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<td>Lift Assist</td>
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<tr>
<td>Vehicle Accident</td>
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<td>Medical</td>
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</tr>
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<td>Downed Wire</td>
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</tr>
<tr>
<td>CO detector, no CO</td>
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<tr>
<td>Smoke detector, no fire</td>
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<tr>
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### March 1, 2020

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<tbody>
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<td>Medical</td>
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<tr>
<td>Gas leak</td>
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<tr>
<td>Downed Wire</td>
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<td>Smoke detector, no fire</td>
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<td><strong>Grand Total</strong></td>
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### March 2, 2020

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### March 3, 2020

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<tr>
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<td>False Alarm</td>
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<tr>
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FREE DISPOSAL DAY

SATURDAY – JUNE 6, 2020
7:00 a.m. to 1:00 p.m.

FREE TO ORION TOWNSHIP RESIDENTS ONLY

RESIDENTS MUST HAVE VALID I.D.

SPECIAL CONDITIONS:

The following items are banned from landfill disposal and will NOT be accepted on Free Disposal Day.

NO YARDWASTE
NO WHOLE TIRES
NO WHITE GOODS THAT CONTAIN (or once contained) FREON (i.e., refrigerators)
NO HOUSEHOLD HAZ WASTE & NO E-WASTE RECYCLING
(This is NOT an Oakland County No-Haz Event)

Construction Debris from small home improvement projects is allowed,
NO commercial construction debris is accepted as a part of this event.

www.wm.com

EAGLE VALLEY RECYCLING AND DISPOSAL FACILITY (248) 391-0990

LOCAL FOOD DRIVE EVENT – BRING DONATIONS OF CANNED AND BOXED FOOD AND WM WILL DELIVER THEM TO THE LOCAL FOOD PANTRY.