1. OPEN MEETING
2. ROLL CALL
3. MINUTES
   A. 08-04-2021 Planning Commission Regular Meeting Minutes
   B. 07-29-2021 Township Board of Trustees, Planning Commission, Zoning Board of Appeals &
      Corridor Improvement Authority Joint Meeting, Special Meeting Minutes
4. AGENDA REVIEW AND APPROVAL
5. BRIEF PUBLIC COMMENT - NON-AGENDA ITEMS ONLY
6. CONSENT AGENDA
7. NEW BUSINESS
   A. PC-2021-62 Candid Inc. Ord. 154 Application, located at 163 Premier Drive (parcel number 09-
      35-476-001).
   B. PC-2021-65, Township Initiated Text Amendment to Ordinance 78, 2021 Ordinance Updates
8. UNFINISHED BUSINESS
   A. PC-2021-07, 5-Year Master Plan Update
9. PUBLIC COMMENTS
10. COMMUNICATIONS
11. PLANNERS REPORT/EDUCATION
12. COMMITTEE REPORTS
13. FUTURE PUBLIC HEARINGS
   A. 9-1-2021, at 7:05 pm: PC-2021-63, Meijer Inc. #680, Special Land Use request for 24-hour
      operation, located at 1107 S. Lapeer Road, parcel number 09-14-226-008 and unaddressed parcel
      number 09-14-226-001 (surrounded by parcel 09-14-226-008).
14. CHAIRMAN'S COMMENTS
15. COMMISSIONERS' COMMENTS
16. 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.
CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
REGULAR MEETING – WEDNESDAY, AUGUST 18, 2021 - 7:00 P.M.
ORION COMMUNITY CENTER
1335 JOSLYN ROAD, LAKE ORION, MI 48360

1. OPEN MEETING

2. ROLL CALL

3. MINUTES
   A. 08-04-21, Planning Commission Regular Meeting Minutes
   B. 07-29-21, Township Board of Trustees, Planning Commission, Zoning Board of Appeals &
      Corridor Improvement Authority Joint Meeting, Special Meeting Minutes

4. AGENDA REVIEW AND APPROVAL

5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY

6. CONSENT AGENDA

7. NEW BUSINESS
   A. PC-2021-62, Candid Inc. Ord. 154 Application, located at 163 Premier Drive
      (parcel number 09-35-476-001).
   B. PC-2021-65, Township Initiated Text Amendment to Ordinance 78, 2021
      Ordinance Updates

8. UNFINISHED BUSINESS
   A. PC-2021-07, 5-Year Master Plan Update

9. PUBLIC COMMENTS

10. COMMUNICATIONS

11. PLANNERS REPORT/EDUCATION

12. COMMITTEE REPORTS

13. FUTURE PUBLIC HEARINGS
   A. 9-1-2021, at 7:05 p.m., PC-2021-63, Meijer Inc. #680, Special Land Use request for 24-
      hour operation, located at 1107 S. Lapeer Road, parcel number 09-14-226-008 and
      unaddressed parcel number 09-14-226-001 (surrounded by parcel 09-14-226-008).

14. CHAIRMAN’S COMMENTS

15. COMMISSIONERS’ COMMENTS

16. ADJOURNMENT

In the spirit of compliance with the Americans with Disabilities Act, individuals with a
disability should feel free to contact the Township at least seventy-two hours in advance of
the meeting when requesting accommodations.
The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, August 4, 2021, at 7:00pm at the Orion Township Community Center, 1335 Joslyn Rd., Lake Orion, Michigan 48360

**PLANNING COMMISSION MEMBERS PRESENT**
Scott Reynolds, Chairman
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

**PLANNING COMMISSION MEMBERS ABSENT:**
None.

**1. OPEN MEETING**
Chairman Reynolds opened the meeting at 7:00 pm.

**2. ROLL CALL**
As noted

**CONSULTANTS PRESENT:**
Rodney Arroyo, (Township Planner) of Giffels Webster
Eric Pietsch, (Township Planner) of Giffels Webster (Via GoToMeeting)
Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

**OTHERS PRESENT:**
Bennett Donaldson
Steve Schaar

**3. MINUTES**
A. 07-21-21, Planning Commission Workshop Meeting Minutes
B. 07-21-21, Planning Commission Regular Meeting Minutes
C. 07-21-21, PC-2021-55, Lava Mountain Location Rezone Request Public Hearing Minutes

Moved by Vice-Chairman Gross, seconded by Commissioner Walker to approve all three sets of minutes, as submitted. **Motion carried**

**4. AGENDA REVIEW AND APPROVAL**
Moved by Secretary St. Henry, seconded by Trustee Urbanowski, to approve the agenda as presented. **Motion carried**

**5. BRIEF PUBLIC COMMENT – NON-AGENDA ITEMS ONLY**
None

**6. CONSENT AGENDA**
None

**7. NEW BUSINESS**
A. PC-2021-59, NTBS Site Plan Modification, located at 4601 Liberty Drive S., (parcel 09-34-300-016) and unaddressed parcel 09-34-100-016 (a parcel north of 4601 Liberty Drive S.)

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, that the Planning Commission table item 7A for later in the agenda. (Discussion moved under 8A)
Roll call vote was as follows: Walker, yes; Brackon, yes; St. Henry, yes; Gross, yes; Urbanowski, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0

8. UNFINISHED BUSINESS
PC-2021-56, Esys Consolidation Project Wetland & Site Plan, located at new unaddressed parcel 09-33-426-055 (west of 1465 Brown Rd.)

Mr. Bennett Donaldson 37610 Hills Tech Dr., Farmington Hills, MI, presented.

Mr. Donaldson stated that he was the developer for the project with JB Donaldson Co.

Mr. Donaldson said he thought that they had addressed most of the issues that were brought up in the previous Planning Commission meeting. He said the slopes, front yard slopes, paving details, and parking, he thought all were addressed to meet the Planning Departments’ requirements.

Planner Arroyo read through his 2nd site plan review date-stamped July 29, 2021.

Engineer Landis read through his wetland review date-stamped August 3, 2021.

Engineer Lands read through his 2nd site plan review date-stamped August 4, 2021.

Chairman Reynolds stated that they had other reviews from other departments. The Fire Marshal has approved the recommended approval with requirements, some hydrant location changes. There were no comments from the Public Service review.

Vice-Chairman Gross stated that at the meeting there were three or four items that were listed as the reason for postponing any action. He thanked both Engineer Landis and the contractor/developer for their expeditious response, recognizing that this was going to be a fast-paced project. He added that the things that they were concerned about, in addition to the wetlands, were the slope considerations, the parking arrangements and the number of parking spaces, the setback from the wetland area, and the pavement cross-section standards, were the items that they had initially had some concerns with. They had previous discussions about the trash compactor versus a dumpster, and he thought that they had come to a conclusion that the compactor was preferred over an outdoor dumpster. He said that the developer had also indicated that the irrigation in the front yard would be noted on the site plan and it would be incorporated. He was pleased with the quick turnaround that took place, and it appeared that they addressed all of those issues.

Chairman Reynolds agreed with Vice-Chairman Gross. He thought that a couple of the items could be administratively addressed. He was in support of the trash compactor they had that discussion last time. He said he would be in support of the traffic improvements occurring but allowing them to be deferred, he thought it made sense to do it when it is going to fit together. He asked the applicant if they have any issue with that essentially implementing what was recommended by the traffic impact study but allowing it to be deferred with the rest of the improvements on Brown Rd?

Mr. Donaldson replied regarding the traffic study, they can show them on the plans, they have been talking to the County about it, their plan is 2023 to redo Brown Rd. so everyone agreed that it would make sense to do those improvements at that time. He added that they have been talking to the Township about creating an escrow or something to ensure that those improvements do get made, and they are just going to document that. He said that on the plans
he thought that they would have a note on there that this work is going to be deferred. Engineer Landis replied that he finds that acceptable.

Commissioner Walker said that he thought everything was covered, and they did a great job.

Chairman Reynolds thanked the team members, OHM, Planning & Zoning Director Girling, Giffles Webster for turning around quickly the review. He knew that the applicant worked some late hours trying to get this turned around. Mr. Donaldson said without everyone’s help it wouldn’t have happened.

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission approve the wetland permit for PC-2021-56, for the property located at 1427 Brown Rd. (parcel 09-34-300-002) and vacant parcel west of 1427 Brown Rd. (09-33-426-039) for plans date stamped received 7/26/21 based on the following finds of facts: that the wetland area on the site is roughly 32-acres, it has 3-impact zones of which the impact zones are minimal, being less than 1/10 of an acre each; the 25-wetland buffer has been documented on the site plan; the wetland application that .13-acres of the wetland mitigation are proposed for the site in response to the permanent impacts of the wetland; the applicant is proposing to purchase mitigation bank credits in place of the remaining wetland in a conservation easement; based upon that and the OHM review of August 3, 2021, he recommends the approval of the wetland permit.

Discussion on the motion:

Commissioner said he would support that if the motion maker includes the three items in the OHM review letter on page 5, giving their opinion with regard to their proposed improvements. He read them, “In our opinion, the proposed improvements are unlikely to pollute, impair, or destroy the exiting wetland; in their opinion”; “the proposed land use is consistent with the zoning of the property and the proposed methods of construction are the least impactful to the wetland and nature features of the site”; “it is our opinion the requirements of the Wetlands Protection Ordinance are being met”.

Vice-Chairman Gross amended his motion, Commissioner Walker re-supported, to include the three items in the OHM review letter on page 5.

Roll call vote as follows: St. Henry, yes; Urbanowski, yes; Brackon, yes; Walker, yes; Gross, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0

Moved by Vice-Chairman Gross, seconded by Commissioner Gingell, that the Planning Commission grants a trash enclosure requirement waiver for PC-2021-56, Esys Consolidation Project Site Plan, for plans date stamped received 7/26/21, base on the finding that the trash removal is being placed within a trash compactor versus a trash enclosure, and it will benefit the property and the surrounding properties as well.

Roll call vote as follows: Urbanowski, yes; Gross, yes; St. Henry, yes; Walker, yes; Bracken, yes; Gingell, yes; Reynolds, yes. Motion carried 7-0

Moved by Vice-Chairman Gross, seconded by Commissioner Walker, that the Planning Commission grants site plan approval for PC-2021-56, Esys Consolidation Project Site Plan, located at 1427 Brown Rd. (parcel 09-34-300-002) and vacant parcel west of 1427 Brown Rd. (09-33-426-039) for plans date stamped received 7/26/21 based on the following findings of fact: the issues that were previously addressed by the Township Engineer have been adequately resolved relative to the slope considerations, retaining walls being provided, the
parking areas being identified appropriately, this also includes 8 EV charging stations; the wetland setback is in excess of 25-ft., and new pavement section standards have been appropriately satisfied; this project with all of those considerations does comply with the Zoning Ordinance requirements; there is a rendered elevation and he would request that be included as part of the approval, and thanked the Engineer, Planners, and the developer for their due-diligence in this. This approval is based on the following condition: that the developer place an escrow fund for the future road improvements to be conducted by the Road Commission for Oakland County in 2023 which represents the road improvements necessary to service this project.

Discussion on the motion:

Chairman Reynolds said that they addressed the traffic concerns but thought that the engineering plan was being designed in accordance, so the three conditions per OHM’s review, plus they need to include the Fire Marshal’s conditions. If they include the three conditions at the bottom of August 3rd, he did in the motion refer to number one, but he thought that two and three are important. He thought that the Fire Marshal’s comments from his review of August 3, 2021, about relocating a hydrant were important.

Vice-Chairman Gross asked if the fire hydrant revision was placed on the revised plans? Chairman Reynolds replied no.

Vice-Chairman Gross amended his motion, Commissioner Walker re-supported, to include within the motion the Fire Marshal’s requirement for fire hydrant locations to be revised accordingly based upon his letter of August 3rd, 2021. That the engineering plans be designed in accordance with Ordinance #78 Stormwater Management Soil Erosion, and Sedimentation Control Ordinance #139, and the Township Engineering Standards submitted to the Township for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer. There were no comments from the Public Service Department. Also, that the plans be revised to incorporate the requirement for off-site improvements to be completed and added to the plan. Escrow for the required turn lane and right turn lane taper to be completed at a later date via an escrow; the engineering plans be submitted for item #3 on OHM’s review letter dated August 3rd and agreeing to meet the Fire Marshal’s requirements per his letter on August 3rd.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Gingell, yes; Brackon, yes; Reynolds, yes. Motion carried 7-0

7. NEW BUSINESS

A. PC-2021-59, NTBS Site Plan Modification, located at 4601 Liberty Drive S., (parcel 09-34-300-016) and unaddressed parcel 09-34-100-016 (a parcel north of 4601 Liberty Drive S.)

(Moved below 8A due to the applicant being late)

Mr. Steve Schaar director of operations for NTBS Properties, a new member of their team for the last 2 months.

Mr. Schaar said he was there to present the site plan revisions.

Mr. Schaar stated that they have noticed that there were quite a few items that they need to gain alignment and then ensure corrections for the improvements made on the site plan as they are moving forward with the temporary CEO and proceeding with those items through
inspections with Fire Marshal Jeff Williams and BFS over the last couple of weeks. As they look at the overall site plan, they are going to see a word document that spells out each item that they found dating back to May 2019, for items that do not reflect what is currently in their possession for their 4601 Liberty Dr. location. He added as they look at it, they will show them the significant improvements to the landscaping plan for what they saw in May of 2019. A lot of those items were additional coverage or greenery to the overall landscape for items that were then added for support of the cannabis cultivation facility in terms of, the mechanical facilities on their east wall. On the north side of the wall, there is going to be two make-up air units, as well as, a concrete path that they will be presenting to the group that reflects a break area for their team members, and a freshly seeded and sodded landscape for the green area that reflects on that drawing. On the west side, down at 6'oclock, they are going to see a concrete pad there for CO2 gas, that CO2 gas is essentially part of the feeding supply for their plants and growing, there was a concrete pad that was listed there. On the east side of the facility the parking lot space, everything stripped, they did want to draw their attention to the SE corner where there is a dumpster location that has been moved to better service the facilities to come in and empty their dumpsters. Overall, the breakout behind these details is reflective of feedback from services that were either coming to the site and or, feedback through the commission over the last 90 days with requested improvements. The most significate item that they would be working through is the generator. He wanted to inform the commission on learning, that they were on an easement, there are two items that they want to make sure that they are aligned with, with this group in just full transparency, is they have talked with DTE, they have a verbal approval for the current site location where the generator sits today with DTE just based on feedback they have on their account as well as being their future customer. They do know that there may be some things that they need to address now, specific to how they want to address that with this commission moving forward.

Planner Arroyo read through his review date stamped August 4, 2021.

Engineer Landis stated that they didn’t do a formal review as most of the comments were planning-related. He said that they did make note that the generator was smack dab over the center of the sanitary sewer and within the Township easement, and the proposed light poles are just inside of the easement, as well, they are asking that both of those be relocated outside of the easement.

Chairman Reynolds said that they also had reviews from the Fire Marshal, there were no additional comments, they recommended approval. The Public Works Service Director Jeff Stout echoed comments from OHM, the plans show a generator on the east side of the building the generator is directly above the sewer main and in the easement. The generator location must be moved to another location as it cannot be above the main or in the easement.

Chairman Reynolds said that they have some items that were missing on trees, landscaping, the dumpster, the generator, and lighting.

Mr. Schaar said he apologized for the conceptual and the site plan malignment between those two items, it is the transition from their previous engineer to what they are doing currently. Eric Sawshwit (sp?) has the drawings, they can just add that in a separate auto CAD layer. He can ensure that is done extremely fast it won’t take long to reflect what is currently out there on a site plan drawing. He added that the lights, he will dig into the cut-sheets and find out what exactly they are missing there. He asked who the person that he needed to ensure alignment with? Chairman Reynolds said this would all be at site plan approval, per the ordinance, there are the general provisions in which fixtures and lighting requirements need to meet. He thought that if he went through specifically the review letter from Giffels Webster they outline some of the sections as it speaks to landscaping, lighting in a similar manner, fully shielded downward
light, in section 27.11. Mr. Schaar said that they will make those changes as necessary if they have to change out illumines, and it sounds like there was an encroachment on the east side, they will take a look at that. He added that for both generator and anything that is encroaching on easement they are in the process of getting an engineering review to ensure that they do it correctly and they put it in the correct spot this time. They will do that from a perspective of due diligence upon learning these things. They will tie that in, as well as, any other moves that they need to make. They can put things in escrow if they needed to, to help to solidify their commitment there as they go through the engineering study and make due corrections there. There is an 8” pad it is a pretty significant size power generator, so they want to make sure that they put it in the right spot and then provide the appropriate coverage for greenspace.

Chairman Reynolds asked if there had been any exploration, light poles being in an easement is one thing but a generator, has there been any exploration of that fitting somewhere else or where that might go outside of the easement? Mr. Schaar said that the intent since they have the other green space, would be proposing what would be on the NE corner, so they would have to redo what is on that NE corner where they have the other power supply coming in. So, those are all underground electric items that were set up from where they receive their supply, they would move that more adjacent to the facility. He thought that the location for where it was at, he didn’t know where they came from, they want to correct it and engage building officials, as well as, the Fire Department for where they would place that. They are engaged with DTE, they are coming out and they are going to have a site review with them and then they would close out that item with whomever they need to from a Township standpoint. He thought it was a $60-80,000 move, so this is a very serious line, it provides all of their life safety supports, so they would have to rent other items while they run the facility to connect in, those are things that they can accomplish. It would be at least 30-60 days to get the detail review necessary to complete that.

Chairman Reynolds said their concerns are not with DTE there are with zoning requirements and obviously public easements and sewer easements and general requirements that they have. He asked if there has been any forward thought on the lighting in the sense of photometric? Mr. Schaar replied yes; if they are missing illumines, they can make those changes very quickly.

Commissioner Brackon said that the dumpster issue is it just has to get moved to the rear of the building. He asked if that was acceptable? Mr. Schaar said if they are looking at the SW corner of their site which is right where the Fire Department connects, that is where the Fire Marshal asked them to move it, so they moved that Fire Department connection for a hose if they ever needed to was right on that corner. If they look at that they bring it down right at a 45-degree angle on the west side and then if they cut it right down the middle then they have another portion of it that is on the south side of it. As they are putting that dumpster there, when they say move it, as they look at the terrain and the overall site, he asked if they are looking for them to move it further north on the site plan? Planner Arroyo replied yes. Mr. Schaar asked if he drew a vertical line straight down on the SW corner if they don’t violate that plan, whatever that latitude/longitude is and it is to the other side of it there would not be an issue? Chairman Reynolds said it needs to be in the rear yard, so, it is not acceptable in the side yard either. He added that the front yard is established by what is the road frontage. The issue here is it is in the front yard which is not per the ordinance requirements, it can’t even be in a side yard it needs to be in the rear. Mr. Schaar questioned if it has to beyond the end of the building? Planner Arroyo replied correct.

Chairman Reynolds said that there is the opportunity to seek a variance per our ordinance requirements that is where they ask dumpster to be located. Secretary St. Henry said they don’t
want them out front as people are driving by and seeing it, they want them back behind the building.

Chairman Reynolds thought that there seemed to be a lot of things in play here especially when they are talking about a very large generator, a dumpster enclosure, lighting, it seems like they have to see where some of this stuff falls in his perspective.

Trustee Urbanowski said that the concrete patio has to be moved off of this sanitary sewer space, right. Mr. Schaar said that would be part of the demolition and relocation. Trustee Urbanowski replied that they weren't sure where it is going to go. Mr. Schaar said that they want to do it right so he didn't want to speak of where it is moving but if he is looking at it now, he is envisioning that it is going to be at a safe distance for the fire route closer to the building. Having it as far away as it is from the building, he didn't know why it was placed there just from that perspective. They will dig in with another engineering firm to gain alignment and meet all ordinances in the relocation. Trustee Urbanowski stated that she had no doubt but it was hard to say yes to a site plan when they don't know where it is going to go. Mr. Schaar said it made sense for it to move almost 10-degrees north and due west to be within the location of the building where all of the other utilities and municipal items are. He walked it out and it would fit there. He added that as they make that move, he wanted to make sure that they are 100% clear of the easement on that corner of the generator and the pad that would be poured for it. They still see it, what would then be on the east side of the building, after a cursory review.

Chairman Reynolds felt a postponement was appropriate because there is a lot of things that play here that they need to see some resolutions to or at least thought on where they need to head. He said that there are ordinance requirements on each of these, he deferred them to Giffels Webster’s review, specific to, he thought the major concerns where the items located within the easements and overtop of sewer items and mains, landscaping – they are missing some detailed information that is required by ordinance, documentation that speaks to screening that additional mechanical equipment; the dumpster – if there is not a solution to that at least a commitment to that that there would be an opportunity for them to move forward to deny so they could seek a variance if there wasn’t a solution, they would prefer it meets ordinance requirements, trees, dumpster, generator, and lighting. He thought that there was a hand full of items, cut-sheets, lumens at property lines, things like that that they typically see here in review.

Mr. Schaar asked about the commit that Chairman Reynolds mentioned, with regards to a variance specific to those items? Chairman Reynolds replied that they did have a right to seek a variance if they denied them their dumpster location, they do have the right to go to the ZBA to seek a variance in order to find that acceptable. In that case, they do have the right to go seek a variance but if they were denied that variance it would still have to meet ordinance requirements.

Planning & Zoning Director Girling said that if the applicant doesn’t think they are able to move it and they want to keep it where it is at and go for that variance, it takes a month to get on an agenda. So, if they know concretely tonight that they are going to want to go for that variance then the Planning Commission should deny the dumpster so they have the ability in the meantime while they are fixing the plans for the other things to get that month started. If they are not sure they just lose that month. Mr. Schaar said he was looking at the landscape of the lot and where everything is built, but if they were standing where the dumpster was and they were looking at the rest of the lot they are going to see the entire slope go at a 30-40 degree away from that. If they were to say that they are going to move a dumpster, there is no truck that can drive on a 30-degree slope, that is where there are some challenges to the overall site plan. Chairman Reynolds said that they are asking them to come back with the revisions if that
was going to be an item that either way they were going to come back with, they would have a motion tonight to deny them that dumpster location which gives them the right to go for an appeal which is a month-long process. If that is the location that they have explored but again per the ordinance requirements they ask those dumpsters to be in the rear yard for all properties. They do have that right with undue hardship to seek a variance that would allow a different opportunity. Mr. Schaar said if they were to ask him where is the back of the building, he would say on the west side, the way the building is designed, the way that the material flows, there are no doors on the back of their building which is the west side. He added that the north wall is not the back of the building it is more of a side, but the back of the building has no entry into the building. That is where there may have been some confusion on the back. Chairman Reynolds said some of this is technically per ordinance versus where the most major thoroughfare is adjacent in the property. He said if he is understanding this correctly, they have a desire to postpone but there was discussion that that is where the dumpster enclosure might need to remain.

Chairman Reynolds said they are looking for postponement on the site plan to resolve the open issues except for meeting the requirement of the dumpster enclosure.

Planning & Zoning Director Girling thought it would be a motion to deny the location of the dumpster.

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, that the Planning Commission denies the dumpster location for PC-2021-59, NTBS located at 4601 Liberty Dr. (parcel #09-34-300-016) and unaddressed parcel 09-34-100-016 for plans date stamped received 7/14/2021.

**Roll call vote was as follows:** Walker, yes; St. Henry, yes; Gross, yes; Gingell, yes; Brackon, yes; Urbanowski, yes; Reynolds, yes. **Motion carried 7-0**

Commissioner Walker asked if the petitioner wants to postpone their action on his request for some time in the future. Mr. Schaar replied yes; the primary item is the generator, the other items he felt could be easily resolved, in terms of, what it would take to get the details for the miss, it will not be repeated again. Commissioner Walker said he just wanted to make sure that they understand what they are requesting and then they will vote on the request. So, his request for other than the denial that they gave him, they are requesting them to postpone action on the remainder of their petition to a future date, is that correct? Mr. Schaar replied yes.

Moved by Commissioner Walker, seconded by Commission Brackon, that the Planning Commission postpones site plan approval for PC-2021-59, NTBS Site Plan Modification, located at 4601 Liberty Drive (parcel #09-34-300-016) and unaddressed parcel 09-34-100-016 (a parcel north of 4601 Liberty Drive) for plans date stamped received 7/14/21. This denial is based on the following reasons: it is the petitioner’s request that they postpone this based upon a number of items that he has heard from tonight, primarily from the Planner, but also from the Engineer, and questions from the Commission to a future date.

**Roll call vote was as follows:** St. Henry, yes; Gingell, yes; Brackon, yes; Urbanowski, yes; Walker, yes; Gross, yes; Reynolds, yes. **Motion carried 7-0**

9. PUBLIC COMMENTS
None.

10. COMMUNICATIONS
None.
11. PLANNERS REPORTS/EDUCATION
Planning & Zoning Director Girling said knowing that the next meeting they have the 6 o’clock and then they will have a light agenda, she asked Planner Arroyo if this was a meeting that they might want tables? Because there was a one-time saying, depending on what they are talking about it might be easier if they were around tables and pointing at areas, she asked Planner Arroyo to let her know.

12. COMMITTEE REPORTS
None.

13. FUTURE PUBLIC HEARINGS
None.

14. CHAIRMAN’S COMMENTS
Chairman Reynolds thanked the expeditious reviews tonight. He really appreciated the direction that Giffels Webster’s reviews were clear and easy to read especially when there is a lot of things in play, it is helpful. He added that he looks forward and encouraged everyone to continue to have people come out to their Master Plan discussions even though it is a Workshop it is still open to all.

15. COMMISSIONERS’ COMMENTS
Secretary St. Henry said that he hoped over the next few months that they do get more input. They had a joint meeting where they talked a little about the Master Plan with the BOT and other folks, he didn’t get a clear sense of where Supervisor Barnett and his team were where they wanted to see the Township go. Supervisor Barnett mentioned something about not being development crazy but besides that, they got very little feedback. He wanted more vision and thought from the BOT and where they see this Township headed over the next five years so they are not developing this with the Planner in a vacuum.

16. ADJOURNMENT
Moved by Trustee Urbanowski, seconded by Commissioner Gingell to adjourn the meeting at 8:08 p.m. Motion carried.

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion

Planning Commission Approve Date
The Charter Township of Orion held a Special Joint Meeting with the Board of Trustees, Planning Commission, Zoning Board of Appeals, and the Corridor Improvement Authority on Thursday, July 29, 2021, at 12:04 p.m. at the Orion Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360.

**BOARD OF TRUSTEES MEMBERS PRESENT:**
Chris Barnett, Supervisor
Kim Urbanowski, Trustee/BOT Rep. to PC
Penny Shults, Clerk
Brian Birney, Trustee
Donni Steele, Treasurer
Julia Dalrymple, Trustee
Mike Flood, Trustee/BOT Rep. to ZBA

**BOARD OF TRUSTEES MEMBERS ABSENT:**
None.

**PLANNING COMMISSION MEMBERS PRESENT:**
Scott Reynolds, Chairman
Kim Urbanowski, BOT Rep. to PC
Don Gross, Vice-Chairman
Joe St. Henry, Secretary
Jessica Gingell, Commissioner
Derek Brackon, Commissioner

**PLANNING COMMISSION MEMBERS ABSENT:**
Don Walker, PC Rep. to ZBA

**ZONING BOARD OF APPEALS MEMBERS PRESENT:**
Mike Flood, BOT Rep. to ZBA
Diane Dunaskiss, ZBA Member
James Kerby, Alternate

**ZONING BOARD OF APPEALS MEMBERS ABSENT:**
Don Walker, PC Rep. to ZBA
Dan Durham, Chairman
Tony Cook, Vice-Chairman

**CORRIDOR IMPROVEMENT AUTHORITY PRESENT:**
Chris Barnett, Supervisor
Donni Steele, Treasurer
JoAnn Van Tassel, CIA Secretary
Dan Dewey

**CORRIDOR IMPROVEMENT AUTHORITY ABSENT:**
H. Scott Bicknell
Bill Krausmann
Jeff Schmitz

**CONSULTANTS PRESENT:**
Dan Kelly (Attorney) of The Kelly Firm, PLC
Brittney Ellis (Attorney) of The Kelly Firm, PLC
Rod Arroyo (Township Planner) of Giffels Webster
Mark Landis (Township Engineer) with OHM
Gary Roberts, (Economic Development) of Strategic Communications Solutions

**OTHERS PRESENT:**
Tammy Girling, Planning & Zoning Director
David Goodloe, Building Official
Lynn Harrison, Planning & Zoning Coordinator
Al Daisley, Ordinance Enforcement Officer
CALL TO ORDER AND INTRODUCTIONS
Supervisor Barnett called the joint special meeting to order at 12:04 p.m. Supervisor Barnett thanked the staff and volunteer members that were present. Supervisor Barnett asked everyone in attendance to introduce themselves.

NEW BUSINESS
Township Planner Arroyo gave an update on the Master Plan status.

PERFORMANCE GUARANTEES
Supervisor Barnett pointed out that developers have inquired about accepting bonds instead of Letter of Credits or cash for required guarantees. He also mentioned that the Township currently requires a Performance Guarantee of fifty (50) percent of the total cost to build.

Engineer Landis weighed in. He commented on some of the problems that have occurred in the City of Auburn Hills.

Planning and Zoning Director Girling commented that developers are warned up front about the Performance Guarantee amount and that it has to be in the form of an Irrevocable Letter of Credit or cash. Obtaining that fee is what often slows down or stalls a development.

Township Planner Arroyo explained accepting bonds are sometimes unstable. Planner Arroyo suggested doing some research to come up with specific bonding companies that are “strong”.

Supervisor Barnett commented that he is hearing from developers that our policy is really strict.

CIA Secretary Van Tassel suggested that if developers are offered the option of submitting a bond to cover their guarantees, that they be given bond company options the Township has researched and are okay with.

Gary Roberts concurred with CIA Secretary Van Tassel’s suggestion.

Planning and Zoning Director Girling asked Township Attorney Kelly if we can treat one developer different than another? Attorney Kelly replied, yes.

Supervisor Barnett commented that he doesn’t want to be the most lenient and suggested looking into what other communities are doing.

Building Official Goodloe stated that having a guarantee is a good tool to make sure things get done.

It was decided to form an ADHOC committee to research this topic. Tony Kerby, Derek Brackon, Gary Roberts, Chris Barnett and Scott Reynolds volunteered to be on the committee with assistance from the Kelly Firm and OHM. Scott Reynolds would head up the committee.

FENCES
Planning and Zoning Director Girling explained the issue regarding fences and them being allowed on someone’s property line if the fence is 4-ft. tall or having to meet district setbacks if the fence is 6-ft tall. The result being many cases are going to the ZBA to deter from 6-ft. fences having to meet property setbacks. The issue was discussed recently at the Planning Commission.
Trustee Flood said he was not opposed to keeping the current language but to put some “teeth” in it. He suggested that the Township possibly require a homeowner to get a survey and to come up with some specific criteria a homeowner has to comply with such as putting the nice side facing out, that it has to be gated, etc.

Planning & Zoning Director Girling said that whatever criteria is agreed upon has to be in the Ordinance to alleviate the number of cases that go to the ZBA.

Planning Commission Chairman Reynolds detailed the Planning Commission discussions and agreed with supplementing the Ordinance. He also suggested that being we are in the process of updating the Master Plan, it would be a good time to “look at the bigger picture”. Chairman Reynolds proposed the process that if neighbors can come to an agreement, then there is no need for a survey.

Planning & Zoning Director Girling asked the question, what happens if two neighbors choose to both put up 6-ft. fences each adhering to a 10-ft. setback? They then would have a large strip of land between the two.

Ordinance Enforcement Officer Daisley stated that he gets complaints from residents about the grass.

CIA Secretary Van Tassel explained that the problem is putting a fence anywhere on the property and not knowing exactly where the property line actually is. She suggested a stake survey should be required for both 4-ft. and 6-ft. fences.

Township Clerk Shults said there must be a reason why there are so many requests for fences. She advised that’s the problem that needs to be addressed.

Commissioner Brackon suggested giving the ZBA the authority to grant “group variances” such as for the resent request presented by residents of the Keatington subdivision on Baldwin Road.

Township Attorney Kelly weighed in and stated that it has to be done through the Ordinance and each case has to be heard individually as a granted variance stays with the property.

Building Official Goodloe suggested increasing the fee to appear before the ZBA.

Township Planner Arroyo also suggested addressing this in the Master Plan by allowing or not allowing fences in certain corridors.

Trustee Flood proposed that we look at a moratorium.

ZBA Member Kerby gave the statistic that the ZBA approves 80% of all cases that come to them – they should only be approving 20%.

Chairman Reynolds again encouraged addressing this within the Master Plan – obtain the Township’s idea of how certain corridors should look; to come up with a vision.

It was decided to form another ADHOC committee to discuss this issue. JoAnn Van Tassel, Al Daisley, Kirk Larson, David Goodloe, Mike Flood and Joe St. Henry volunteered. Ms. Van Tassel agreed to head up the committee.

**BROWN ROAD INNOVATION ZONE (BIZ)**

Planning & Zoning Director Girling explained the difference between principle uses and ancillary uses with regards to this zoning district. Currently developers cannot have an ancillary use without a principal use on a property. Director Girling noted that the original intent was to fill in the “bowling alley” lots along this corridor. She questioned whether or not to require the ancillary use or principle use first.
Director Girling suggested that maybe this can be a discussion by the Planning Commission based on the development as to provide more flexibility.

**TREE SURVEYS**
With regards to tree surveys, the Ordinance is not clear on this and should possibly be addressed with a text amendment. It was suggested to wait until the Master Plan is done.

It was suggested that a tree survey be required when a developer proposes building out the entire site.

Building Official Goodloe suggested sending the issue to the ZBA for an interpretation.

Planning & Zoning Director Girling proposed that someone looks at a site prior to the pre-application meeting to need a tree survey and then propose a plan. Perhaps the applicant could pay a fee for an arborist to determine if landmark trees exist.

Township Planner Arroyo concurred that there are a lot of issues with the way the Ordinance is written as it relates to this topic.

Director Girling asked if it would be appropriate to start looking at this language?

Planner Arroyo said, yes, to start setting some direction.

Dan Dewey stated that we can use his property as a test case.

**BOARDBOOK**
Planning & Zoning Director Girling asked if everybody likes Boardbook or should we start looking at some other meeting packet software?

Supervisor Barnett commented that when he conducts Township Board meetings, he actually downloads the packet from book into a PDF which is easier to use. He suggested looking for training opportunities.

**TOWNSHIP EMAILS**
Supervisor Barnett strongly encouraged everyone to check their Township emails on a regular basis. Be sure to read them. If anyone has questions or concerns about accessing their Township email, to contact David Raftery. Dave is now the Township’s full-time IT/AV technician.

Chief Assistant Timko noted that everyone with a Township email or Township issued device needs to take the online IT training course.

**EDUCATION & TRAINING**
Supervisor Barnett stated that hopefully everyone feels equipped enough when it comes to education and training - if not, to please reach out. He gave a list of associated Township organizations that offer free classes or classes for a minimal fee such as MTA, MML, Oakland County, MAP, MSU etc. He wants to make sure that there are plenty of opportunities for additional education and training. If there is a class or training opportunity that someone wants to take, please let someone know.

Township Clerk Shults suggested a follow-up email to this meeting with a list of available websites.

**TRAINING**
Township Attorney Kelly explained his Power Point presentation regarding meeting decorum. He went in-depth about various topics including public hearings, motions, conditional approvals, ex-parte conversations and bylaws.
Attorney Kelly clarified the difference between a public hearing and a public meeting. He made it clear what Board or Committee Members cannot do during public meetings.

Attorney Kelly presented tips for a successful public hearing, a procedure on how to pass and amend a motion and what information should be included in a motion.

Attorney Kelly briefly went over the Open Meetings Act and what is an ex-parte contact.

OPEN DISCUSSION/FUTURE MEETING TOPICS
TREE SURVEYS
Supervisor Barnett suggested adding this topic to a future Planning Commission meeting.

ADJOURNMENT
The meeting adjourned at 2:00 p.m.

Respectfully submitted,

Courtney Keisman
PC/ZBA Clerk
Charter Township of Orion

 Approval Date
TO: The Charter Township of Orion Planning Commission  
FROM: Tammy Girling, Planning & Zoning Director  
DATE: August 11, 2021  
RE: PC-2021-62, Candid, Inc., Ordinance 154 Adult-Use Processor Facility

As requested, I am providing suggested motions for the abovementioned project. Please feel free to modify the language. The verbiage below could substantially change based upon the Planning Commissions findings of facts for the project. Any additional findings of facts should be added to the motion below.

**Ordinance #154**

I move to **grant/not grant** approval of the application, as required per Ord. #154, for PC-2021-62, Candid, Inc., LLC, for an Adult-Use Processor facility, located at 163 Premier Dr., (parcel 09-35-476-001) based on the finds of fact that the operation **does/does not** meeting the following location requirements:

- Is located in an IP zoning district
- Is located in a building that meets all the distance requirements shown in Ord. 154
- Is located in a building that has an ingress/egress road with less than 6,000 vehicles/day.
- Is located in a building that has an ingress/egress road that does not service as a road that also serves for residential zoning.

**If motion is grant approval - conditioned upon:**

1. The applicant meets all applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Marijuana Regulatory Agency (MRA).
CHARTER TOWNSHIP OF ORION
ORDINANCE No. 154 APPLICATION REVIEW

Planning Commission Case: PC-2021-62
Parcel Number: 09-35-476-001
Property Address: 163 Premier Drive
Applicant: Candid, Inc.
Request: Adult-Use Processor Facility
Date: August 11, 2021

The aforementioned application was reviewed for compliance with the location requirements of Article VI of Ordinance No. 154 and the finds are detailed below:

Article V, 1. – The Facility must be located in the Township’s IP (Industrial Park) district: The parcel is zoned IP (Industrial Park) as required.

Article V, 2 – The Facility cannot be within one thousand five hundred (1,500) feet of a “church” in the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 1,500 feet. Using GIS, a measurement was taken from the closest edge of the building to the edge of the closest church and it was over 1,700 feet.

Article VI, 3 – The Facility cannot be within two thousand (2,000) feet of a residence located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,000 feet. Using GIS, a measurement was taken from the edge of the building to the edge of the closest residential property line (for simplicity) and it was 2,700 feet.

Article VI, 4 – The Facility cannot be within two thousand five hundred (2,500) feet of a registered “school” within the Township: Article VI, 7 states that the distances specified in the Ordinance shall be measured from building edge to building edge. The applicant stated within their application that the facility is more than the required 2,500 feet. The closest school (The Goddard School) is over 4,800 feet away (measured from the edge of the building to the edge of the parcel for simplicity).
Article VI, 5 – The Facility shall not have an ingress or egress on a street or road that has an average traffic volume in excess of six thousand (6,000) vehicles per day, as calculated by averaging the three (3) most recent Average Annual Daily Traffic (AADT) counts (as available), as reported by Southeast Michigan Council of Governments (SEMCOG): The building has ingress and egress off of Premier Drive. SEMCOG’s website does not contain any traffic count reports for Premier Dr.

Article VI, 6- The Facility shall not have an ingress or egress on a street or road that directly also serves as an ingress or egress to a residential road or property located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district. The building has both ingress or egress off of Premier Dr. Premier Dr. does not serve as an ingress and/or egress to any property located in a R-1, R-2, R-3, SF, SE, SR, RM or MHP zoning district.

Article VI, 7 - Distances specified in this Ordinance shall be measured from building edge to building edge. The measurements, unless noted differently, were measured from building edge to building edge.

Article VI, 8 – If the Facility shall need a variance from what is set forth in Article VI Sections one (1) through six (6) above, the Applicant may submit a formal request for a variance to the Zoning Board of Appeals (“ZBA”). The ZBA shall only consider a variance request that is no more than fifteen percent (15%) out of compliance with the above location regulations: The applicant is not requesting any variances from the ZBA.

Article VI, 9 – It is the Township’s intention that Growers, Processors, Safety Compliance Facilities and Secured Transporters may operate within the same building under the following conditions: each licensed entity remains distinct and separate within different working area and separate record keeping systems: The plan supplied within the application shows separate operating areas.

Article VI, 10 – The location shall meet all applicable Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Medical Marihuana Licensing Board:

ITEMS TO BE ADDRESSED: These items are unknown at this time. It is recommended that any approval be conditioned upon this requirement.

Article VI, 11 – The Facility location shall conform to all standards of the zoning district in which it is located: This condition has been met. The building itself has received site plan approval.
Article VI, 12 – If the Facility location is currently vacant land, the applicant must submit a site plan and building plans with the Application. The application is for an improved parcel that has received site plan approval.

Article VI, 14 – Based upon an application for or amendment of a Conditional Rezoning, PUD, or other use Development Agreement of sufficient specificity, it is within the sole discretion and judgment of the Township Board of Trustees to consider and waive any or all of the Location Requirements of this Article VI based upon any or all of 3 factors listed in Article VI 14 a,b, and c.: The applicant is not requesting any waivers.

______________________________
Tamara Girling
Planning & Zoning Director

Summary: I have reviewed the application as it relates to Ordinance No. 154 Article VI – Location Requirements. I am agreeable with the recommendation to approve this application with the conditions that:

1. The applicant meets all other applicable Township Ordinances and promulgated standards of the Township and, prior to opening, shall demonstrate to the Township that it meets the rules and regulations promulgated by the State Mariujana Regulatory Agency (MRA).
To: Planning Commission/Planning Coordinator
From: Jeff Williams, Fire Marshall
Re: PC-2021-62, Candid, Inc. Ord. 154 Application
Date: 8/4/2021

The Orion Township Fire Department has completed its review of Marihuana Application PC-2021-62 for the limited purpose of compliance with Charter Township of Orion Ordinance Number 154 Article VI(g).

Based upon the application and documentation provided, the Fire Department has the following recommendation as to issues concerning the Medical Marihuana Facility’s specific location and impact on the health and safety of Township residents:

- Approved
- Approved with conditions (See below)
- Not approved

Conditions:
This approval is limited to the application and materials reviewed which at this time do not raise a specific concern with regard to location and/or impact on health and safety. However, the approval is conditioned upon the applicant providing sufficient additional information, data or documents, confirming full compliance with all applicable fire codes, Township Ordinances and State law. Furthermore, the Fire Department’s approval is limited to the issuing of a Medical Marihuana Facilities Permit under Ordinance 154 and does not constitute a waiver of any additional requirement for site plan approval or as otherwise required by any applicable code, ordinance or law; including, the Fire Department’s review and approval of a final site plan, security plan, fire suppression system, emergency ingress/egress, or other matters which represent a fire or emergency response concern.

If there are any questions, the Fire Department may be reached at 248-391-0304 ext. 2003.

Sincerely,

Jeff Williams
Jeff Williams, Fire Marshal
Orion Township Fire Department
To: Planning Commission
From: David Goodloe, Building Official
Re: Medical Marijuana Applications PC-2021-62
Date: 08/09/2021

The application for PC case 2021-62 has been reviewed by the Building Department for compliance with The Charter Township of Orion Ordinance number 154 Article VI application procedure for the purposes of compliance with Ordinance 154 only, the Building Department has the following recommendation:

☒ Approved
  o Approved with conditions (See below)
  o Not approved

If you have any questions feel free to contact me at 248-391-0304. X6001

Sincerely,

David Goodloe
David Goodloe
Building Official
Orion Township Building Dept.
Section 3.00 – Zoning Districts Established (amended 04.19.90, 02.01.16, 07.16.18)

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

- Single Family Residential Districts – SF, SE, SR, R-1, R-2, R-3
- Multiple Family Residential Districts – RM-1, RM-2
- Mobile Home District – MHP
- Office & Professional District – OP
- Restricted Business District – RB
- General Business District – GB
- Limited Industrial District – LI
- Industrial Park District – IP
- Industrial Complex District – IC
- Railroad Freight Yard District – RFY
- Special Purpose Districts – SP-1, SP-2
- Recreation Districts – REC-1, REC-2

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

Section 3.01 – Zoning District Boundaries

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

Section 3.02 – Interpretation of Zoning District Boundaries

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

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

B. Where district boundaries are so indicated that they approximately follow lot of record lines, such lines shall be construed to be boundaries.

C. In unsubdivided property, or where a district boundary divides a lot of record, the location of such boundary, unless shown by dimensions of the Zoning Map, shall be determined by use of the map scale shown thereon.
Article II  Construction of Language & Definitions

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

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

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

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

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

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

Mezzanine: An intermediate floor in any story occupying more than one-third (1/3) of the floor area of such story, but which extends over only part of the main floor.

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

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

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

Motel: See Hotel.

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

Natural Features: Natural features shall include soils, wetlands, floodplain, water bodies, topography, vegetative cover, and geologic formations.
Lot Width: The horizontal distance between the side lines measured at the two (2) points where the building line, or setback, intersects the said lot lines. The arc shall be used in lieu of a straight line where lots have curved frontage.

Master Land Use Plan: A comprehensive plan including graphic and written proposals indicating the general location of streets, parks, schools, public buildings and all physical development of the City. This shall include any element or part of such plan, and any amendment to such plan or parts thereof.

Master Right-of-Way Plan or Major Thoroughfare Plan: The right-of-way and/or thoroughfare plans officially adopted by the City, the County of Oakland and the Michigan Department of Transportation.

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

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Migratory Labor Camp: Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.
1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.

3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.

4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.

D. Uses as listed below are allowed as a special land use subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Industrial Park zoning district, and may include uses such as: *(added 09.02.14, amended 07.16.18)*

1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.

2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting and similar uses.

3. Automotive repair, paint and body shop, collision shop.

4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools and construction equipment.

5. Banks and credit unions, with or without drive-through.

6. Restaurants, including drive-through restaurants including outdoor café and/or patio subject to:

   Seasonal use restrictions, hours of operation, sketch plan indicating location of tables, chairs, awnings, canopies, dance floor, protective fencing, railings, planters, or other pedestrian barriers, compliance with Michigan Liquor control Commission (MLCC) requirements (for a café), compliance with Township Noise Regulations (Ord. No. 135), and/or other conditions as required by the Planning Commission. No site plan will be required unless requested by the Planning Commission, with the Planning Commission retaining the option of requiring a full site plan.

7. Churches

8. Hotels and motels

9. Veterinary clinics and animal boarding

10. Mini-storage and warehousing

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

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

A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
Section 18.00 – Preamble

The Industrial Park (IP) Districts are intended to provide locations for the development of industrial subdivisions permitting a variety of industrial uses in a park-like setting with full provision of roads and utilities and with adequate setbacks, greenbelts, and landscaping. This district is intended to provide locations for similar activities as are permitted in the Limited Industrial District.

Furthermore, it is intended that the effects of any industrial activity in an IP District should be confined within the IP District, so as to not create any nuisance or hazard for adjacent or nearby uses. It is further intended that Industrial Park Districts shall have an internal roadway with a minimum sixty (60) foot right-of-way, that each building or use within the complex have direct access onto that internal roadway, and that the district, as a whole, have direct access onto an existing or proposed major thoroughfare.

Section 18.01 – Use Matrix (added 07.10.18)

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

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>Zoning District</th>
<th>Footnotes</th>
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<tbody>
<tr>
<td><strong>P = Permitted by Right</strong></td>
<td><strong>S = Special Use</strong></td>
<td><em><em>S</em> = Special Use permitted within Lapeer Road Overlay District</em>*</td>
</tr>
<tr>
<td><strong>Industrial, Research, and Technology Uses</strong></td>
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<tr>
<td>Electrical appliances, electronic instruments and devices, including but not limited to computers, cellular phones and tablets.</td>
<td>P</td>
<td></td>
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<tr>
<td>Electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.</td>
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<tr>
<td>Previously prepared materials such as, but not limited to, the following: canvas, celophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, shell, soil, textiles, millwork, tobacco, wax, wire, wood or yarns, and sheet metal, but not including large stamping plants and saw mills.</td>
<td>P</td>
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<tr>
<td>Pottery &amp; figurines or other similar ceramic products using only previously pulverized clay or kilns fired only by electricity or gas.</td>
<td>P</td>
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<tr>
<td>Bakery goods, candy, food products, cosmetics, pharmaceuticals, toiletries, hardware and cutlery.</td>
<td>P</td>
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<tr>
<td>Musical instruments, toys, novelties, and metal or rubber stamps or other small molded rubber products.</td>
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<tr>
<td>Storage buildings, repair facilities, and/or yards for vehicles, equipment, &amp; materials for contractors, landscaping, and/or lawn treatment services, and recreational vehicles</td>
<td>P</td>
<td>A</td>
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<td>Packaging and/or parcel delivery services</td>
<td>P</td>
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<tr>
<td>Printing plants</td>
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<td>Tool, die, gauge, and machine shops</td>
<td>P</td>
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<tr>
<td>Warehousing and wholesale establishments, storage and transfer facilities (other than those accessory to an adjoining retail use and not including waste disposal transfer stations)</td>
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<td>Facilities where primary activities are of an experimental or testing nature</td>
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<tr>
<td><strong>Office</strong></td>
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<td>Offices related to the principal use.</td>
<td>P</td>
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</table>
Article 18

Add at * - this regulation is intended when the IP zoned property is to be developed as a park and contains numerous parcels to be developed as individual parcels. If the parcel is to remain whole
B. Minimum Parcel Size.
   1. The minimum parcel size for the Industrial Park as a whole shall be twenty (20) acres.
   2. The minimum lot size within an Industrial Park shall be two (2) acres. (amended 06.13.96)

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

D. Landscaping.
   1. A landscape plan for each use in the Industrial Park shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
   2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. (amended 06.15.89, 05.22.97)
   3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
   4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition. In addition, an underground lawn irrigation system shall be required in any landscaped area located in the front yard. (amended 05.22.97)
   5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and
when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. (amended 01.30.86. 09.16.93)

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.

1. Any industrial park developed or proposed in the Industrial Park District shall have an internal public road having a minimum right-of-way of at least sixty (60) feet.

2. The internal public road shall have direct access onto an existing or proposed major thoroughfare having a right-of-way of at least one hundred twenty (120) feet.

H. Utilities. All utilities servicing the business structure may be required by the Planning Commission to 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 masonry brick wall.

3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. (amended 01.30.86)

J. Loading and Unloading.

1. The loading and unloading area shall not be located where it will not interfere with parking or obstruct ingress and egress.

2. The loading and unloading area shall be located in the rear or side yard. However, it may be located in a front yard area only when the loading area is of a drive-through design as approved by the Planning Commission.

3. Truck wells shall not be located in the front yard area.

4. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

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)
Article XXVII

27.01 Nonconformities

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

K. Administrative Nonconformities.

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

L. Change in Tenancy or Ownership.

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

M. Special Exceptions.

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

Section 27.02 – Buildings, Structures, and Uses

A. Accessory Buildings, Structures and Uses. (amended 02.17.04)

1. An accessory building, structure or use shall not be located on a parcel unless there is a principal building, structure, or use already located on the same parcel of land.

2. An accessory building or structure shall not be constructed prior to the commencement of construction of the principal building or structure or the establishment of the principal use.

3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the purposes of location and setbacks, be considered part of the principal building.

4. A building, structure or use which is accessory to a single-family dwelling and detached from it shall meet the same front and side yard setback requirements as the principal structure, as set forth in the applicable zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings. All accessory buildings and structures shall be included in the computation of total maximum area of all accessory buildings, and together with the principal building or structure shall not exceed the percentage of lot coverage requirements. (amended 07.16.18)

5. Detached accessory buildings or structures in non-residential districts shall conform to the height requirements for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in non-residential districts that exceed the height of the principal building or structure, as constructed, shall not be located in the front yard. (amended 07.16.18)

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

2. Where there is a sloping earth grade beginning at the curb, sidewalk, or roadway, the drainage shall be established and maintained to the finish grade line. A sloping grade away from the rear and side wall of the building shall be established and maintained to a line not less than twenty (20) feet from such walls.

3. The height of the finish grade line of any building shall be generally maintained not less than eight (8) inches above the average curb or crown of the road, or at such level as may be approved in writing by the Ordinance Enforcement Officer.

G. Signs. *(amended 07.16.18)*

1. All signs shall conform to the location, size, height, number, and other standards set forth in the Orion Township Sign Ordinance, Ordinance No. 153. *(amended 02.21.06)*

2. Signs shall conform to all other applicable Township Ordinances, including the Township Building Code.

3. For the purposes of public safety, the street number of every building or structure which has an assigned street address shall be prominently displayed on a side of the building facing the street. Street address numbers shall be at least three (3) inches in height on residential buildings, and at least five (5) inches in height on all non-residential buildings and structures.

H. Basement Residency.

Basement residency is expressly prohibited in this Township. This provision shall not be construed to prohibit earth-sheltered homes, as defined in Article II of this Ordinance.


For the purposes of public safety and fire protection, all buildings and structures shall have water supply for fire fighting that will provide a reasonable degree of protection to life and property in accordance with Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1221-1976, as amended. In accordance with NFPA 1221-1975, required water may be supplied from rivers, streams, irrigation canals, lakes, ponds, wells, cisterns, swimming pools, livestock watering tanks, tankers, or a combination of sources which meet minimum criteria for quantity and accessibility.

**Section 27.03 – Yard and Bulk Requirements**

A. Minimum Lot Size.

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. On lots of record that were platted prior to the effective date of this Ordinance, single-family residential dwellings may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. Where two (2) adjoining lots are under the same ownership, and said two (2) lots are individually smaller than the lot size requirements of the said district in which they are located, said two (2) lots shall be considered one (1) lot for the purposes of this section.

B. Lots Adjoining Alleys.

One-half (1/2) of the width of an abutting alley or lane shall be considered a part of the lot for the purposes of determining compliance with lot area requirements of this Ordinance.

C. Projections Into Required Yards.
Article XXVII  

General Provisions

27.03 Yard and Bulk Regulations

The following projections shall be permitted when located in the required yards as specified:

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioner projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions.

2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.

3. In rear yards.
   a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard.
   b. Decks may be permitted to project into a required rear yard when the following conditions are met: (amended 06.15.87, 02.06.97)
      i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
      ii. Decks shall be no instance be closer than twenty (20) feet to a rear lot line.
      iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
      iv. Setbacks for decks shall be measured from the leading edge of the deck surface.

4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

D. Required Yards - Existing Buildings.

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

E. Location of Required Open Space.

All yards and other open spaces allocated to a building or group of buildings shall be located on the same zoning lot as such building or group of buildings.

F. Variances to Yard Regulations.

The Zoning Board of Appeals may modify yard regulations by granting a variance for individual cases where literal enforcement of the provisions of the Ordinance would not be reasonably possible or would result in unnecessary hardship. Examples where such variances from yard regulations would be appropriate include:

1. A planned development in a multiple-family district;
2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;
a. The dwelling shall have a roof covered with composition asphalt organic felt shingles or a material of similar texture, malleability and coarseness, not to exclude copper, wood, slate or clay material, as on roofs of homes with which the dwelling is to be compatible.

b. The roof of the dwelling shall have a slope of not less than two vertical units to each 12 horizontal units.

c. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, or which are comparable to steps and/or porches of homes with which the dwelling is to be compatible.

d. The exterior surface of exterior walls of a dwelling and roof shall be covered with wood or stucco, or a material of metal, metal alloy, brick, masonry, vinyl or plastic with major actual or visual vertical or horizontal joints spaced at not more than eight inches apart.

e. The dwelling shall have windows located on the front elevations, and shall have exterior doors either on the front and rear, or front and side as generally found in homes with which the dwelling is to be compatible.

f. The dwelling shall not have a detached garage, if attached garages are typical to homes with which the dwelling is to be compatible.

g. The ratio of the horizontal dimension of the front to side elevation of the structure shall not be more than three units to one unit.

5. If no more than two of the standards in this subsection are not met, a dwelling may be approved as aesthetically compatible in character, design and appearance, provided it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible with the homes with which it is to be compatible. This shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.

6. An applicant for a building permit aggrieved by an adverse decision by the building department may appeal to the Zoning Board of Appeals, which board shall make the determination, with findings, based upon its independent judgment, without reference to the standards for the granting of variances.

Section 138-10.301 Basement Residency

Basement residency is expressly prohibited in the City; however, bedroom or kitchen facilities that are part of a principal single-family dwelling unit and that do not constitute a separate dwelling unit are permitted. Points of egress via daylight windows or walkout basements are also permitted, provided that they are not part of a dwelling unit located in a basement.

Section 138-10.302 Signs

Signs shall be regulated by chapter 134 of the City Code of Ordinances pertaining to signs. The minimum front yard setback for signs shall be as provided in chapter 134 of the City Code of Ordinances.

Section 138-10.303 Use Restrictions

No portion of a lot or parcel once used in complying with the sections of this ordinance for yards, lot area per family, density as for a development in the multiple-family district, or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.
Article XXVII

General Provisions

27.03 Yard and Bulk Regulations

Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall provide a lot or parcel of land in accordance with the lot size requirements of the district within which it is located. On lots of record that were platted prior to the effective date of this Ordinance, single-family residential dwellings may be established regardless of the size of the lot, provided all other requirements of this Ordinance are complied with. Where two (2) adjoining lots are under the same ownership, and said two (2) lots are individually smaller than the lot size requirements of the said district in which they are located, said two (2) lots shall be considered one (1) lot for the purposes of this section.

B. Lots Adjoining Alleys.

One-half (1/2) of the width of an abutting alley or lane shall be considered a part of the lot for the purposes of determining compliance with lot area requirements of this Ordinance.

C. Projections Into Required Yards.

The following projections shall be permitted when located in the required yards as specified:

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions.

2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.

3. In rear yards.

   a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and, overhanging eaves or gutters projecting three (3) feet or less into the yard.

   b. Decks may be permitted to project into a required rear yard when the following conditions are met:

      (amended 06.15.87. 02.06.97)

      i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.

      ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.

      iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.

      iv. Setbacks for decks shall be measured from the leading edge of the deck surface.

4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard.

D. Required Yards - Existing Buildings.

No yards, now or hereafter provided for a building existing on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance for equivalent new construction.

E. Location of Required Open Space.

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Article XXVII  General Provisions

27.04 Parking and Loading Regulations

- For lots within the SF, SR, or SE zoning districts, not more than one (1) recreational vehicle, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobile, jet skis, etc. may be stored or parked within the front yard but not within the required front yard setback.

- For lots within the R-1, R-2, or R-3 zoning districts, not more than one (1) recreational vehicle, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobiles, jet skis, etc. may be stored or parked within the front yard, provided there is at least twenty (20) feet between the street edge or road and any portion of the recreational vehicle or trailer stored within the front yard or driveway area.

- Where the storage or parking of not more than one (1) recreational vehicle trailer, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobiles, jet ski, etc. is within the front yard area (excluding front yard setback areas) and where the recreational vehicles are within ten (10) feet of a property line, the Building Department shall require a permit, subject to the following:
  - Sight visibility and corner clearance shall be maintained from adjoining roads, streets, driveways, or sidewalks.
  - Storage of recreational vehicles shall be located on a paved or gravel surface.
  - The Building Official may require a screening fence, wall or landscaping positioned in a manner to screen the views of recreational vehicles from adjoining property lines.
  - Recreational Vehicles may not be stored on vacant residential parcels which do not contain a principal use such as a home, garage or dwelling unit.

ii. A travel trailer or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be used as a temporary dwelling unit, building, or structure, unless approved by the Zoning Board of Appeals, or as allowed in previous sections; in accordance with Section 27.02 (C)(1), or demonstrated compliance with Section 27.04 (C)(2)(a). The off-premise storage of a travel trailer or motor home shall be restricted to Limited Industrial 1 zoned parcels.

Section 27.05 – Landscaping, Fences, and Walls (amended 09.17.07)

A. Landscaping.

1. Intent. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter, and other impacts of intensive non-residential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

2. Scope of Application. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a Certificate of Occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 30.09. (amended 08.15.16)

In cases where the use of an existing building changes or an existing building is changed or otherwise altered, all of the standards set forth herein shall be met.
3. **Principal/Primary Purpose.** A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified and still be categorized as an Adult Bookstore, Adult Video Store or Adult Novelty Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

4. **Semi-Nude/Semi-Nude Condition.** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

5. **Specified Anatomical Areas.** The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

6. **Specified Sexual Activities.** Includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.

E. **Location and Additional Requirements.**

In addition to compliance with the other provisions of Township Ordinances, the following shall apply:

1. No regulated use may be located within one thousand (1,000) feet of another regulated use.

2. No regulated use may be located in or within seven hundred fifty (750) feet of any residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than 18 years of age) activities.

3. The regulated use shall be measured in a straight line from the nearest property line upon which the proposed regulated use is to be located to the nearest property line of the residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than 18 years of age) activities.

4. Regulated uses shall be permitted in the LI, Limited Industrial District as defined in Sections 17.00 – 17.06 of the Zoning Ordinance and deemed special land uses subject to the standards and approval requirements as provided in Section 30.02.

5. No regulated use shall be located in any principal or accessory structure already containing a regulated use.

6. The proposed regulated use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

7. The proposed regulated use shall conform to all standards of the zoning district in which it is located.

8. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or the adjacent roadways.

9. Entrances to a proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission".
b. Woodlands, natural features and/or a landscaped greenbelt sufficient to provide an obscuring effect.

c. Open or recreation space.

d. Significant changes in topography, which provide an effective buffer.

11. **Architectural and Site Element Design.** Residential facades should not be dominated by garages. Where attached garages are proposed, at least fifty percent (50%) of the garages should be side-entry or recessed, where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the visual impact resulting from the close clustering of units allowed under these regulations. Building elevations shall be required for all structures other than single-family dwellings. (amended 05.06.07)

Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission and Township Board may require street or site lighting where appropriate.

12. **Access.** Direct access onto a county road or state highway shall be required to a PUD. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

13. **Internal Roads.** Internal roads within a PUD may be public or private.

a. Private roadways within a PUD shall meet the design requirements of the Township’s Private Road Ordinance No. 60. The Planning Commission and Township Board may modify these requirements, if all of the following findings are made:

1) There is no potential for the road to connect with abutting land or to be extended to serve additional land in the future.

2) Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through allowing a modification to the private road standards.

b. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Planning Commission and Township Board.

c. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per residential dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy tree shall be provided on each side for every fifty (50) feet of road frontage. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.

d. Additional requirements in regards to buffering/screening, greenbelts, and parking lot trees for non-residential projects may be required by the Planning Commission and Township Board and can be found in Section 27.05 of the Township Zoning Ordinance.

14. **Pedestrian Circulation.** The PUD plan shall provide pedestrian access to all open space areas from all residential/development areas, connections between open space areas, public thoroughfares and connections between appropriate on-site and off-site uses. Trails within the PUD may be constructed of gravel, wood chips or other similar materials, but the Planning Commission and Township Board may require construction of an eight (8) foot wide asphalt safety path through portions of the development. Safety paths are required along all public roads, as denoted in the Master Plan and detailed in the Safety Path Ordinance No. 97.

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2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting, and similar uses.

3. Automotive repair, paint and body shop, collision shop.

4. Automobile dealership, repair, service center and used car facilities.

5. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools, and construction equipment.

6. Mini-storage and warehousing.

7. Restaurants, including drive-through restaurants.

8. Churches.


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

Section 9.03 – Required Conditions (amended 02.01.16, 07.16.18)

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

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

B. Minimum Parcel Size. The minimum lot area shall be twenty thousand (20,000) square feet.

C. Off-Street Parking.

1. All principal and accessory uses shall be contained within a building or combination of buildings that have a common parking lot.

2. Parking requirements shall be based upon the following schedule (amended 08.06.07):

   a. One (1) parking space per five hundred (500) square feet of gross floor area for office/research/design facilities.

   b. One (1) parking space per three hundred (300) square feet of gross floor area for general office.

   c. One (1) parking space per two hundred fifty (250) square feet of gross floor area for medical office.

   d. Parking requirements for all other uses in the OP district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.

3. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. (amended 01.30.86)

4. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially zoned or used property. However, when the parcel abuts commercial/office or industrially
Article IX  Office & Professional District (OP)

zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. (amended 09.14.89)

5. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.

6. Off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.

7. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. (amended 09.16.93)

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the OP District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially used or zoned property, the landscape green-belt shall be at least thirty (30) feet in width except where ingress or egress drives are located. (amended 09.14.89)

3. The off-street parking areas and driveway accesses shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.

5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. (amended 01.30.86; 09.16.93)

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

F. Lighting Regulations. (amended 04.27.00)

1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.

2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.

3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

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

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

2. The fourth side of the enclosed trash receptacle area shall be equipped with an opaque lockable gate that is the same height as the masonry brick wall.

3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. (amended 01.10.86)

J. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side yards of a non-residential district.

2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.

3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Requirement</th>
<th>OP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>30 ft.**</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>30 ft.**</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>20 ft. on each side **</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
</tr>
<tr>
<td>Maximum Height of All Structures</td>
<td>25 ft.**</td>
</tr>
<tr>
<td>Minimum Clear Space Around Structures</td>
<td>15 ft.</td>
</tr>
</tbody>
</table>

** Within the Lapeer Road Overlay Zone, building height shall not exceed fifty (50) feet. However, if a building exceeds twenty-five (25) feet in height, rear yard and side yard setbacks shall increase by ten (10) feet for a total of thirty (30) feet side yard and forty (40) feet rear yard. Front yard setbacks within the Lapeer Road Overlay District shall be a minimum of fifty (50) feet. (added 02.01.16)
The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

3. Landscaping Design Standards. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

   a. General Landscaping. (amended 11.14.85) All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

      i. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated, with Planning Commission approval.

      ii. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet, or portion thereof, of landscaped open-space area.

      iii. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

      iv. All landscaped areas shall have an underground irrigation system or shall be provided with a readily available and acceptable water supply with at least one (1) hose bib within one hundred (100) feet of all planted material to be maintained.

      v. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

      vi. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for General Landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 27.05.

4. Parking Lot Landscaping Adjacent to Roads Excluding Single Family Residential Uses. A greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, for parcels fronting roads but excluding single family residential uses. Said area shall be a minimum of twenty (20) feet in width and minimally landscaped as follows and as illustrated in the following figure:

   a. One (1) tree for each thirty (30) lineal feet, or fraction thereof, of required greenbelt separation area (including driveways). Such trees shall be located between the abutting right-of-way and the off-street parking area or vehicular use area.

   b. In addition, a hedge, wall, decorative metal fence, or berm, or other landscape elements with a vertical rise of at least thirty (30) inches shall be developed within said separation zone. The hedge, wall, fence, or berm shall have the effect of reducing the visual effect of parked cars. If the developer decides to construct a masonry wall or decorative fence, he/she shall in addition plant one (1) shrub or vine for each ten (10) lineal feet of masonry wall on the street side of the wall.

   c. The remainder of the required landscape separation area shall be landscaped with grass, ground cover or other landscape treatment, excluding paving such as concrete or asphalt. This shall not be construed to prohibit decorative brick paving.
d. The Planning Commission may at their discretion waive or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.

e. Landscaping of Right-of-Way and Other Adjacent Public Open Space Areas. Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

f. Regulations Pertaining to Landscaping Areas Used for Sight Distance. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way or intersection of interior driveways, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

i. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

ii. The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

5. Screening for Conflicting Land Uses. Where non-residential uses abut residential uses or where multi-family uses abut single family uses, the Planning Commission may require a greenbelt buffer, berm or obscuring wall or combination of the aforementioned methods of screening. The methods of screening for conflicting lands uses are described as follows:

a. Greenbelt Buffer. Where required, landscaped greenbelt and greenbelt buffers shall conform to the following standards:
i. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.

ii. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.

iii. A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.

iv. For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area.

b. Berms. Where required by the Planning Commission, earth berms or landscaped berms shall be in conjunction with landscape greenbelt, and conform to the following standards:

i. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal, with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

ii. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

iii. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required berm.

iv. Eight (8) shrubs per tree may be planted as substitute for trees required in Item "iii" above.

v. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

vi. For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

vii. The berm and landscape buffer shall provide sufficient screening and opacity in order to appropriately obscure and buffer conflicting land uses.

c. Obscuring Walls.

Where permitted or required in this Ordinance, obscuring walls and/or berms in non-residential districts shall be subject to the provisions set forth in this section:

i. General Requirements. In order to protect residential uses from the possible noise, light, traffic, litter, visual disruption, and other impacts associated with more intensive, non-residential uses, an obscuring wall, fence, berm, or other protective barrier, as approved by the Planning Commission, shall be required between any non-residential use or off-street parking area and adjacent residentially zoned districts. Furthermore, such walls, fences, berms, or other protective barriers shall be required between any residentially zoned district and any utility buildings, stations, and substations, except where all utility equipment is contained within a building or designed so as to be similar in appearance to the surrounding residential buildings. Where a non-residential use is located directly, a berm shall be required along the front property line of the non-residential property.

ii. Location. Required obscuring walls, fences, and protective barriers (other than berms) shall be placed on the lot line, except where underground utilities interfere, in which case the required walls or fences shall be placed on the utility easement line nearest the lot line.
iii. Openings for Vehicular Access. Required obscuring walls, fences and berms shall be continuous, with no interruptions or openings except for permitted roads and driveways for vehicular access.

iv. Corner Clearance. No obscuring walls and berms shall be erected, established, or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 must be complied with.

v. Substitution. As a substitute for required obscuring walls or berms, the Planning Commission may, in its review of the site plan, approve the use of existing and/or other natural or man-made landscape features that would produce substantial results in terms of screening, durability, and permanence.

vi. Wall Specifications. Required obscuring walls shall be a minimum of six (6) feet in height, and shall be constructed of the same materials as, or of materials that are architecturally compatible with, the materials used on the facade of the principal structure on the lot. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.

vii. Fence Specifications. Fences required for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, vinyl or other materials approved by the Planning Commission or Building Official, with posts sunk into the ground at least three (3) feet. Chain link fences shall not be permitted for screening purposes.

viii. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.

ix. Entranceway Structures. Entranceway structures shall be permitted in accordance with the provisions set forth in Section 27.05 herein.

6. Interior Parking Lot Landscaping. Off-street parking areas shall be landscaped as follows:

a. Off-street parking areas containing greater than twenty (20) spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. A minimum of one-third (1/3) of the trees required in Section 27.05 (A)(5) shall be placed on the interior of the parking area and the remaining may be placed surrounding the perimeter parking lot within ten (10) feet, as illustrated on the following figure. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

b. A minimum of one (1) tree shall be planted per two hundred (200) square feet or fraction thereof of interior parking lot landscaping. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Interior parking lot shrubs and trees shall permit unobstructed visibility and maintain clear vision between a height of thirty (30) inches to eight (8) feet.

c. Interior parking lot landscaping islands shall be no less than ten (10) feet in any single dimension and no less than two hundred (200) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.

d. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.

e. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
f. Interior parking lot landscaping and/or landscape islands shall be dispersed throughout the parking lot in order to break up large expanses of pavement.

g. The Planning Commission may, at their discretion, waive or modify the requirement for interior landscaping in cases where the parking lot consists of only one (1) aisle and the area surrounding the parking lot is heavily landscaped or where existing off-street parking drives and/or structures are located on the parcel.

B. Materials Standards and Specifications. Except as otherwise specified in the general requirements for each zoning district, all plant and non-plant material shall be installed in accordance with the following standards:

1. Maintenance-Free Non-Plant Material. All non-plant site features shall be durable and as maintenance-free as reasonably possible.

2. Plant Quality. Plant materials used in compliance with provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Oakland County, in conformance with the standards of the American Association of Nurserymen, and shall have passed any inspections required under State regulations.

3. Plastic Plant Material Prohibited. Plastic and other non-organic, non-living plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this Ordinance.

4. Required Plant Material Specifications. The following specifications shall apply to all plant material required by this section:

   a. Deciduous shade trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

   b. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.

   c. Evergreen trees shall be a minimum of five (5) feet in height when planted, except that juniper, yew and arborvitae species shall be a minimum of three (3) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.

   d. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of fifteen (15) inches when planted.
e. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting.

f. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet required physical buffer requirements.

g. Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

h. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion-reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases.

i. Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance. Also, straw or other mulch shall be used to protect newly seeded areas.

C. Installation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials is required:

1. Installation. Landscaping shall be installed in a sound, workman-like manner and according to accepted good planning procedures, with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of wheel stops or some other means. Landscaped areas shall be elevated above the pavement to a height adequate to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary Certificate of Occupancy may be issued only after the owner provides a performance guarantee to ensure installation of required landscaping in the next planting season. (amended 08.15.16)

2. Maintenance. The owner of landscaping required by this Ordinance shall maintain the landscaping in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next appropriate planting period. Maintenance of landscaped areas in public rights-of-way adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.

D. Regulations Pertaining to Existing Plant Material. The following standards shall apply to existing plant material:

1. Consideration of Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, the Planning Commission, pursuant to site plan approval, may adjust the application of the above standards to allow credit for such existing plant material, if such an adjustment is in keeping with and will preserve the intent of this Ordinance.

Existing hedges, berms, wall or other landscape elements may be used to satisfy the requirements of this section, provided that such existing landscaping is in conformance with all of the requirements of this section. Maintenance of the existing landscaping elements shall be the responsibility of the individual petitioning for approval, unless an agreement between the affected property owners relative to maintenance is presented. Any such agreement shall be approved by the Township Board and recorded at the Oakland County Register of Deeds.

2. Preservation of Existing Plant Material. Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered, and are four (4) inches or greater in caliper, measured twelve (12) inches above grade, except that trees listed as Prohibited Plant Materials in Section 27.05 (E) herein need not be shown unless said trees measure twelve (12) inches or greater in caliper, measured twelve (12) inches above grade.
Article XXVII

27.05 Landscaping, Fences and Walls

Individual trees in wooded areas, in clusters, or in hedgerows need not be identified, provided that the boundaries of the wooded area, cluster, or hedgerow are shown, the predominant species of trees are indicated, and that individual trees twelve (12) inches or more in caliper measured twelve (12) inches above grade are identified.

Trees shall be labeled "to be removed" or "to be saved" on the site plan. If existing plant material is labeled "to be saved" on the site plan, protective measures should be implemented such as the placing of fencing or stakes at the dripline around the perimeter of the plant material. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, destroyed or damaged during construction, the owner shall replace them according to the following schedule:

<table>
<thead>
<tr>
<th>Caliper Measured Twelve (12) Inches Above Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Damaged Tree</strong></td>
</tr>
<tr>
<td>Less than 6 inches</td>
</tr>
<tr>
<td>More than 6 inches</td>
</tr>
<tr>
<td>Replacement trees shall be the same species as the damaged or removed tree, unless otherwise approved by the Planning Commission.</td>
</tr>
</tbody>
</table>

E. Prohibited Plant Materials. The following plant materials (and/or their clones and cultivars) shall not be planted in this Township, because of susceptibility to storm damage, disease, and/or other undesirable characteristics:

- Silver Maple
- Tree of Heaven
- Northern Catalpa
- Poplar
- Ash
- Box Elder
- European Barberry
- Eastern Red Cedar
- Willow
- American Elm

F. Variances from Landscaping Regulations. In cases where the existing structure on its site presents practical difficulties to meeting all of the standards, the Zoning Board of Appeals may approve variances from the standards based on procedures for variances set forth in Section 30.07. In determining whether a variance would be appropriate, the Zoning Board of Appeals shall use the following criteria:

1. Topographic features or special characteristics exist on the site which create conditions such that the strict application of the provisions of this section would result in a less effective screen than alternative landscape design and plantings; or

2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired buffer or screen effect; or

3. The public benefit intended by the provisions in this section could be achieved with less than the required landscaping.

G. Entranceway Structures (amended 05.04.20).

Entranceway structures, such as walls, columns, or gates, shall be permitted in accordance with the following regulations:
Article XXVII

General Provisions

27.10

B. All parking areas, drives, and walkways serving the temporary sales office shall be paved. Temporary parking areas need not be curbed.

C. One (1) parking space shall be provided for each one hundred (100) square feet of gross floor area.

D. All walkways and building entrances shall be lighted during hours of operation after sunset. Such lighting shall be no less than one (1) foot-candle power.

E. Landscaping shall be provided in the general vicinity of the temporary sales office. Plans shall be submitted, in accordance with Section 27.05, which illustrate:
   1. The exact location of the proposed temporary sales office.
   2. Proposed landscaping, parking, lighting, and walks.

F. The Zoning Board of Appeals may specify the days and hours of operation to ensure that operation of the sales office is not a nuisance to existing and future residents.

G. Walkways and at least one (1) entrance to any temporary sales office shall meet ADA requirements for accessibility.

H. Temporary sales offices located within a building which is intended to be part of a development and which will be used as a residential dwelling are not subject to the provisions of Section 30.11 (F), Temporary Use Permits. However, the Zoning Board of Appeals may specify the duration of such a use.

I. The Zoning Board of Appeals may impose new conditions when such new conditions are necessary to protect the general health, safety, and welfare.

Section 27.11 – Lighting Regulations (amended 04.27.00)

A. Purpose.

The purpose of this Section is to protect the health, safety, and welfare of the public by recognizing the need for buildings and sites to be illuminated for safety, security, and visibility for pedestrians and motorists. To do so, this Section provides standards for various forms of lighting that will minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; reduce light pollution and light trespass from light sources onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.

B. Applicability.

The standards in this Section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Building Official or designated individual may review any site to determine compliance with the requirements under this Section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use permit, subdivision approval or site plan approval from the Township, the applicant shall submit sufficient information to enable the Building Official and/or Planning Commission to determine whether the proposed lighting will comply with this Section.

C. Lighting Definitions.

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section:

Canopy Structure. Any overhead protective structure which is extended from a building, including an awning.
Article XXVII General Provisions

27.11 Lighting Regulations

Glare. Direct light emitted by a lamp, luminous tube lighting, or other light source.

Lamp. The component of the luminaries that produces the actual light, including luminous tube lighting.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

Light Pollution. Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky, or causes undesirable glare or unnecessary illumination of adjacent properties.

Light Trespass. The shining of light produced by a luminarie beyond the boundaries of the property on which it is located.

Luminaries. The complete lighting system, including the lamp and light fixture.

Luminous Tube Lighting. Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.

Shielded Fixture. Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, i.e., "shoebox-type" fixtures. A luminary mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

D. Lighting Plan Submittal Requirements.

The following information must be included on all site plan submissions:

1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.

2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.)

3. Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.

4. Use of the fixture proposed.

5. Any other information deemed necessary to determine the appropriateness of lighting by the Building Department and/or Planning Commission.

E. Non-Residential Lighting Standards.

Unless exempted under this Section, all lighting must comply with the following standards:

1. Free-standing Pole Lighting.

   Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light at the base of a light fixture shall not exceed twenty (20) foot-candles unless lights are recessed within an overhead roof or canopy structure.

   a. Site Lighting. Properties adjacent to residential properties shall be designed and maintained such that illumination levels shall not exceed 0.3 foot-candle along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed...
Article XXVII

27.11 Lighting Regulations

1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated.

Parking Lot Lighting. Parking lot illumination shall average the following minimum over the entire area, measured five (5) feet above the surface:

<table>
<thead>
<tr>
<th>Parking Lot Size</th>
<th>Parking Lot Average Minimum Illumination (in foot candles)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small (5-10 spaces)</td>
<td>0.4</td>
</tr>
<tr>
<td>Medium (11-99 spaces)</td>
<td>0.6</td>
</tr>
<tr>
<td>Large (100+ spaces)</td>
<td>0.9</td>
</tr>
</tbody>
</table>

b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.

c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.

d. The maximum height of pole fixtures shall be twenty (20) feet, or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) feet above ground level. The Planning Commission may permit a maximum height of thirty (30) feet in an industrial district where fixtures are no closer than two hundred (200) feet to any residential district.

e. Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial and office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, and repair areas, where such use continues after 11:00 p.m., but only for so long as such use continues.

f. No exposed luminous tube lighting shall be used.

2. Building-Mounted Lighting.

a. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity of light shall not exceed twenty (20) foot-candles, unless lights are recessed within an overhead roof or canopy structure. Light shall not exceed 0.3 foot-candle along new and existing residential property lines and 1.0 foot-candle along non-residential property lines.

b. Metal halide, incandescent, fluorescent, or mercury vapor fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. Sodium vapor fixtures may be used, but only with color corrected and shielded lenses.

c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.

d. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands or external lighting directed on buildings, where it can...
be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

3. Canopy Lighting (amended 07.16.18).
   a. All internally lit translucent or fabric awnings shall be prohibited within any zoning district, unless the Building Official or his or her designee determines that the following conditions are met (amended 08.06.07):
      i. Fluorescent tubes are not visible from the right-of-way.
      ii. Light levels comply with other ordinance provisions and are not offensive to the adjoining neighbors.
      iii. Any proposed signage on the translucent or fabric awning shall comply with Orion Township Sign Ordinance No. 153 requirements. (amended 02.21.06)

F. Residential Lighting Standards.

Unless exempted under this Section, all residential lighting must comply with the following standards:

1. Site Lighting. All outdoor lighting in residential use districts shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lighting from all adjacent residential districts or adjacent residences.

2. Parking Lots. For non-residential uses, allowed in residential zoning districts such as churches, and municipal facilities, etc., all parking lots shall be subject to Section 27.11 (E).

G. Prohibited Lighting Types.

The following lighting types are prohibited within the Charter Township of Orion:

1. The use of search lights or any similar high-intensity light for outdoor advertisement or entertainment.

2. Flashing, moving, or intermittent-type lighting.

3. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes or architectural accent.

4. Exterior exposed luminous tube lighting except neon lighting used for signage.

H. Exemptions.

The following are exempt from the lighting requirements of this Section, except that the Building Department may take steps to eliminate the impact of the following exempted items when deemed necessary to protect the health, safety and welfare of the public:


2. Swimming pools.

3. Holiday decorations.

4. Shielded pedestrian walkway lighting.

5. Street lights or lights within a public or private road right-of-way.

I. Lamp or Fixture Substitution.
Article XXVII
General Provisions

27.03 Yard and Bulk Regulations

3. Lots that are peculiar in shape, topography, or site configuration.

G. Corner Clearance.

No fence, wall, structure, or planting shall be erected, established or maintained on any corner lot which will obstruct the view of drivers in vehicles approaching the intersection. Fences, walls, structures, or plantings located in the triangular area described below shall not be permitted to exceed a height of thirty (30) inches above the lowest point of the intersecting road. The unobstructed triangular area referred to above may consist of either:

1. The area formed at the corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along abutting public rights-of-way lines, and the third side being a line connecting these two (2) sides, or

2. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of a triangular area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

Section 27.04 – Parking and Loading Regulations

A. Off-Street Parking.

1. Scope and Application.
   
   a. Scope of Requirements. The off-street parking provisions of this Ordinance shall apply as follows:
   
   i. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, off-street parking shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date and diligently pursued to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
   
   ii. If the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking, additional off-street parking shall be provided for such increase in intensity of use.
   
   iii. Whenever the existing use of a building or structure is changed to a new use, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which might have been in effect prior to the change of use.
   
   b. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Ordinance.
   
   An area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

   c. Additional Off-Street Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve any existing use or land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

   d. Submission of Plot Plan. No off-street parking facilities shall be constructed unless a building permit is first obtained from the Building Department. Any application for a building permit shall include a plot plan showing any off-street parking facilities proposed in accordance with the provisions of this Ordinance. Calculations for required parking shall be submitted on the plot plan or site plan and shall indicate the proposed use, building square footage and required number of parking spaces. Whenever a
Article XXVII General Provisions

27.04 Parking and Loading Regulations

site plan is required in accordance with the provisions of Section 30.01, said site plan shall meet the requirements of this section. (amended 11.14.85, 08.06.07)

e. Banking of Parking Spaces. The Planning Commission may allow a lesser amount of parking than required by this Ordinance. An area to meet the parking space requirements may be banked and retained as open space or landscaped area and reserved for future use as parking if required. The site plan shall note the area where parking is banked including dimensions and parking layout denoted by dotted or dashed lines. (added 08.06.07)

Alterations or construction of banked parking may be initiated by the owner as required by the Building Official based upon parking needs. Alterations or construction shall be approved by the Building Official prior to any modification. (added 08.06.07)

f. Electric Vehicle Charging Stations. (added 09.21.09, amended 01.03.16)

i. Permitted Locations. When accessory to a principal permitted use, electric vehicle charging stations are permitted in all zoning districts. When constructed as a standalone commercial for-profit business, electric vehicle charging stations shall only be permitted in districts that otherwise permit automobile service centers.

ii. Parking

a. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of minimum required off-street parking spaces.

b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

c. Electric vehicle charging stations shall be sized the same as a standard parking space as required in the Off-Street Parking Chart herein.

iii. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Site lighting shall comply with Section 27.11.

iv. Equipment Standards and Protection.

a. Electric vehicle charging station outlets and connector devices shall be no less than twenty six (26) inches and no higher than forty eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

b. Adequate electric vehicle charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the vehicle charging station is setback a minimum of twenty four (24) inches from the face of the curb.

v. Signage and Notification. Each electric vehicle charging station space shall be posted with signage indicating that the space is only for electric vehicle charging purposes. Additionally, notification shall be placed on the unit to identify voltage and amperage levels, hours of operation, fees, safety information and other pertinent information.

vi. Installation and Maintenance.

a. All necessary electrical permits must be obtained.
Article XXVII  General Provisions

27.04 Parking and Loading Regulations

b. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or for when other problems are encountered.

2. General Requirements.

a. Location. Off-street parking for other than residential uses shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, if said spaces and uses are located in the same zoning district or zoned Parking District measured from the nearest point of the building or use and the nearest point of the off-street parking lot.

Unless otherwise specified in the regulations for each district, a minimum setback of twenty (20) feet shall be maintained between any off-street parking area and adjacent property lines. However, enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements for the district in which they are located. (amended 07.16.18)

b. Residential Parking. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.

c. Control of Off-Site Parking Facilities. In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same ownership or under the same control as the parcel occupied by the building or use to which the parking facilities are accessory. Such ownership or control shall be indicated on the plot plan or site plan submitted to the Building Department.

d. Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient means of vehicular access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Backing directly onto a street shall be prohibited. Ingress and egress to an off-street parking area lying in the area zoned for other than residential use shall not be across land zoned for residential use.

e. Collective Use of Off-Street Parking. Off-street parking space for separate buildings or uses may be provided collectively. If parking facilities for separate buildings or uses are provided collectively, the total number of spaces so provided shall not be less than the number which would be required if the spaces were provided separately. However, the Zoning Board of Appeals may reduce the total number of spaces provided collectively by up to twenty-five percent (25%) if such reduction is specifically approved as part of the required site plan approval process. Such approval shall be granted only on a showing that the parking demands of the two (2) uses do not overlap.

f. Loud Speakers Prohibited. The use of loud speakers shall be prohibited in all parking areas except between the hours of 7:00 a.m. and 7:00 p.m. The restriction on loud speakers shall not apply if used for municipally sponsored or approved civic functions.

g. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of junked vehicles, or repair of vehicles is prohibited in off-street parking areas. Emergency service required to start vehicles shall be permitted.

h. Parking Spaces for Physically Handicapped.

i. Number. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.
### Table: Required Number of Accessible Spaces

<table>
<thead>
<tr>
<th>Total Spaces in Parking Lot</th>
<th>Required Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1000</td>
<td>2% of total</td>
</tr>
<tr>
<td>Over 1000</td>
<td>20 plus 1 for each 100 over 1000</td>
</tr>
</tbody>
</table>

ii. **Size.** Accessible Parking Spaces for cars shall be a minimum of thirteen (13) feet wide (8' wide parking space plus a 5' wide marked access aisle). Van-Accessible Parking Spaces shall be a minimum of sixteen (16) feet wide (8' wide parking space plus an 8' wide marked access aisle). *(amended 07.16.18)*

iii. **Location.** Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parking cars to reach entrances, ramps, walkways, or elevators.

iv. **Curbs.** Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access.

v. (See, also, State of Michigan Barrier-Free Rules.) The State rules, if they are more restrictive, shall apply in place of the Charter Township of Orion Ordinance provisions.

vi. **Number of Required Off-Street Spaces.** Off-street parking spaces shall be provided in the quantities required by the regulations for the districts in which the buildings or uses are located. For the purposes of computing the number of parking spaces required, the definition of "Structure Area" as set forth in Article II shall govern. When determination of the number of off-street parking spaces required by this Ordinance results in a fractional requirement, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one (1) time.

### 3. Layout and Construction.

Off-street parking facilities shall be laid out, constructed, and maintained in accordance with the following specifications:

a. **Dimensions.** Plans for the layout of off-street parking facilities shall be in accord with the requirements set forth in the Off-Street Parking Chart contained herein.
b. **Maneuvering Lanes.** Maneuvering lanes shall have adequate width to permit safe one-way traffic movement, with the exception of the 90 pattern, which shall provide for safe two-way traffic movement. Each entrance and exit to and from a parking lot shall be at least twenty-five (25) feet from the nearest point of any property zoned for residential use.

c. **Surfacing and Drainage.** Unless otherwise specified in the regulations for each district, all off-street parking areas, access lanes, and driveways required under this section shall be surfaced with concrete, asphalt, or an equivalent hard, dustless surface as approved by the Planning Commission. Off-street parking areas, except those serving single or two-family residences and railroad freight yards, shall also be curbed. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to not drain onto adjacent property or toward buildings. The grading, surfacing, and drainage plans shall be in conformance with the specifications of the Township. Surfacing of all parking areas, access lanes, and driveways must be completed within one (1) year of the date the permit is issued.

d. **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed on the parking area only and away from nearby residential properties and public streets. In no case shall lighting exceed three (3) foot-candles measured at the lot line. *(amended 11.14.85)*

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**Screening and Landscaping.** Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission and in accordance with the provisions set forth in Section 27.05. In cases where a wall extends to any alley which serves as a means of ingress and egress to a parking area, the wall may be ended within ten (10) feet from the nearest edge of the alley so as to provide a wider access route to the parking area.

e. **Wheel Stops.** Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.

f. **Attendant Shelter.** No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district.

g. **Signs.** Accessory signs shall be permitted in parking areas in accordance with the provisions set forth in the Orion Township Sign Ordinance, Ordinance No. 153. *(amended 02.21.06)*
OFF-STREET PARKING CHART

Table of Dimensions (In Feet)

<table>
<thead>
<tr>
<th>O</th>
<th>S</th>
<th>P</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>J</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>9.0</td>
<td>22.0</td>
<td>20.0</td>
<td>9.0</td>
<td>10.0</td>
<td>12.0</td>
<td>—</td>
<td>30.0</td>
</tr>
<tr>
<td>30°</td>
<td>9.0</td>
<td>19.0</td>
<td>20.0</td>
<td>18.2</td>
<td>13.9</td>
<td>12.0</td>
<td>15.0</td>
<td>48.4</td>
</tr>
<tr>
<td>45°</td>
<td>9.0</td>
<td>19.0</td>
<td>14.1</td>
<td>20.4</td>
<td>16.9</td>
<td>12.0</td>
<td>17.0</td>
<td>52.9</td>
</tr>
<tr>
<td>60°</td>
<td>9.0</td>
<td>19.0</td>
<td>11.5</td>
<td>21.5</td>
<td>19.0</td>
<td>15.0</td>
<td>15.0</td>
<td>58.0</td>
</tr>
<tr>
<td>90°</td>
<td>9.0</td>
<td>19.0</td>
<td>10.0</td>
<td>19.0</td>
<td>19.0</td>
<td>22.0</td>
<td>22.0</td>
<td>60.0</td>
</tr>
</tbody>
</table>

O..... Parking Angle  
S..... Parking Space Width  
P..... Parking Space Length  
B..... Curb Length of Parking Space Width  
C..... Perpendicular Length of Stall (against wall)  
D..... Perpendicular Length of Stall (overlap)  
E..... Aisle Width  
F..... Turn Around Aisle Width  
J..... Wall-to-Wall Dimension

B. Off-Street Loading and Unloading.

1. Scope and Application.

The off-street loading and unloading provisions of this Ordinance shall apply as follows:

a. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, off-street loading and unloading space shall be provided as required by the provisions set forth in this section and by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently pursued
Article XXVII

27.04 Parking and Loading Regulations

to completion, loading and unloading facilities, as required for issuance of said building permit, may be
provided in lieu of any different requirements of this Ordinance.

b. If the intensity of use of any building, structure, or premises is increased through the addition of gross
floor area, additional off-street loading and unloading facilities shall be provided for such increase in
intensity of use.

c. Whenever the existing use of a building or structure is changed to a new use, loading and unloading
facilities shall be provided as required by this Ordinance for the new use, regardless of any variance
which might have been in effect prior to the change in use.

2. General Requirements.

a. Location. Permitted and required loading berths shall be located as provided in the regulations for each
zoning district. Except as provided under Central Loading below, all required loading berths shall be
located on the same zoning lot as the use served. No permitted or required loading berth shall be located
within thirty (30) feet of the nearest intersection of any two (2) streets. Loading and unloading facilities
shall not be so located as to interfere with ingress or egress or off-street parking.

b. Size. Unless otherwise specified, any required off-street loading berth shall be at least ten (10) feet in
width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a
vertical clearance of at least fourteen (14) feet.

c. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular
access to a street or alley in a manner which will least interfere with traffic movement. A determination
that this standard has been met shall be made by the Planning Commission during site plan review.

d. Surfacing. All off-street loading berths and loading dock approaches shall be surfaced with a permanent,
durable surface, such as concrete, asphalt, or an equivalent material as approved by the Planning
Commission. The grading, drainage, and surfacing plans for the loading area shall be in conformance
with the specifications of the Township Engineer.

e. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction
with required loading facilities. Washing of accessory vehicles and emergency service required to start
vehicles shall be permitted.

f. Exclusive Use. Space allocated to any off-street loading use shall not, while so allocated, be used to
satisfy the space requirements for any off-street parking facilities or portions thereof.

g. Central Loading. Central loading facilities may be substituted for loading berths for individual
businesses on separate lots provided that all of the following conditions are fulfilled:

i. Each zoning lot or business served shall have direct access to the central loading area without
crossing streets or alleys-at-grade.

ii. Total off-street loading berths provided shall meet the minimum requirements herein specified,
based on the sum of all of the businesses or lots served. The area of all of the businesses served may
be totaled before computing the number of loading berths required.

iii. No building or lot served shall be more than five hundred (500) feet from the central loading area.

h. Minimum Facilities. In the event that off-street loading and unloading facilities are required for a
particular use, but the buildings in which the use is located are of less floor area than the minimum
prescribed for such required facilities, said use shall be provided with adequate receiving facilities that
are accessible by motor vehicle off an adjacent alley, service drive, or open space on the same zoning
lot.
3. Specific Requirements.

a. Residence Districts. Off-street loading facilities accessory to uses allowed in districts zoned for residential use shall be provided in accordance with the following minimum requirements:

i. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional loading berth for each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof:

- Hospitals and health institutions
- Religious institutions
- Educational and cultural institutions
- Recreation and social facilities
- All other non-residential uses in a residentially zoned district

ii. Special Purpose 1 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use.

b. Business Districts. Off-street loading facilities accessory to uses allowed in districts zoned for business related uses (OP, RB, GB SP-1, SP-2, REC-1, REC-2) shall be provided in accordance with the following minimum requirements, except that the Planning Commission may, at their discretion, modify or waive the loading and unloading requirements upon finding that the proposed use will require infrequent deliveries and/or deliveries will usually be made by automobile, van or small truck. (amended 02.03.86. 02.07.78)

i. Establishments containing less than ten thousand (10,000) square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or designated delivery area on the same zoning lot. (amended 01.17.85)

ii. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; one (1) additional loading berth shall be provided for each additional one hundred thousand (100,000) square feet of gross floor area.

- Banks and financial institutions
- Medical and dental clinics
- Offices, business, professional and governmental
- Recreation buildings and community centers, non-commercial
- Clubs and lodges (not-for-profit) - containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory)
- Radio and television stations and studios
- Recording studios
- Hotels and motels - containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices
- Stadiums, auditoriums, and arenas

iii. Special Purpose 1 & 2 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use.

iv. For all other uses, loading facilities shall be provided in accordance with the following schedule:
c. **Industrial Districts.** Off-street loading facilities accessory to uses allowed in districts zoned for industrial uses (LI, IP, IC, RFY, SP-2) shall be provided in accordance with the following minimum requirements:

i. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing three thousand five hundred (3,500) to twenty thousand (20,000) square feet of gross floor area. For buildings containing twenty thousand (20,000) to forty thousand (40,000) square feet of gross floor area, two (2) loading berths shall be provided, plus one (1) additional loading berth for each additional forty thousand (40,000) square feet of gross floor area or fraction thereof:

- Any production, processing, fabrication, cleaning, servicing, testing, or repair of materials, goods, or products.
- Warehousing, storage, and wholesale establishments
- Cartage and express facilities
- Mail-order houses
- Printing and publishing
- Motor freight terminals

ii. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional berth per one hundred thousand (100,000) square feet of gross area or fraction thereof:

- Airports and commercial heliports
- Air and railroad freight terminals, railroad switching and classification yards, repair shops, and roundhouses

iii. **Special Purpose 2 District Uses.** Loading berths shall be provided on the basis of the requirements for each individual use. For all other uses, loading facilities shall be provided in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Gross Floor Area of Establishments in Thousands of Square Feet</th>
<th>Required Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5 to 20</td>
<td>1</td>
</tr>
<tr>
<td>21 to 40</td>
<td>2</td>
</tr>
</tbody>
</table>

For each additional 40,000 sq. ft. in gross floor area or fraction thereof, one (1) additional berth shall be provided.

C. **Restriction of Open Parking and/or Storage in All Districts Except Where Permitted; Regulation in Single-Family Residential Districts.** *(amended 10.07.02)*

1. Intent.
The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township. Furthermore, these regulations are intended to control the open parking and storage of trailers, boats, and similar recreational vehicles so as to maintain the orderly appearance of the Township’s single-family neighborhoods.

2. General Requirements.

a. **Motor Vehicle Parking and Storage.** *(amended 10.07.02)* No unlicensed or non-operable motor vehicle (including a motor home, trailer, travel trailer, boat, or a similar vehicle) shall be kept, parked, or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building. However, these provisions shall not apply to any motor vehicle ordinarily used and that is not out of running condition for more than fifteen (15) days. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Building Inspector may grant the owner a period of up to three (3) months to procure a license. *(amended 12.07.95)*

However, a temporary use permit may be granted for the storage and occupancy of a motor home or travel trailer providing the following conditions are met:

i. The vehicle may be stored and occupied on-site for no more than three (3) months out of any given year, but for no more than six (6) consecutive weeks.

ii. The vehicle is properly licensed.

iii. The vehicle is stored in the rear yard, but may be stored in the side yard, provided it is at least ten (10) feet from the property line and no less than twenty (20) feet from or adjacent to a residential dwelling and maintains the required front yard setback.

iv. The vehicle shall be maintained to appear as if it is unoccupied, including the storage of all paraphernalia within the vehicle.

b. **Machinery and Building Materials Storage.** Unusable, rusty, or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials, shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The storage of building materials to be used for the purpose of new construction shall also be permitted, provided that such storage does not exceed a period of sixty (60) days. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels. *(amended 12.07.95)*

c. **Recreational Vehicle Storage.** *(amended 08.05.99, 10.07.02, 11.15.10, 06.04.12)*

i. Subject to the following regulations, property owners may store or park their own trailers, motor homes, boats, snowmobiles, jet skis, all terrain vehicles, and similar vehicles on their own property or residence for an indefinite period of time, provided that the vehicles are in operable condition and properly licensed to the property owner or occupant. Such vehicles shall also be subject to the following:

   • For the purpose of Section 27.04 (C), the front yard shall be considered along a road and address side of the lot and shall not be abutting a lake or canal (see definition Lot, Lakefront).

   • For lots within the SF, SR, SE, R-1, R-2, or R-3 zoning districts, recreational vehicles may be stored or parked within the side or rear yard. However, recreational vehicles shall be stored no closer than ten (10) feet to any side or rear property line.
*** NOTICE OF PUBLIC HEARING ***

The Charter Township of Orion Planning Commission will hold a Public Hearing on Wednesday, September 1, 2021 at 7:05 pm, at the Orion Township Community Center, 1335 Joslyn Road, Lake Orion, Michigan 48360, on the following matter:

PC-2021-63, Meijer Inc. #680, Special Land Use request for 24-hour operation, located at 1107 S. Lapeer Road, parcel number 09-14-226-008 and unaddressed parcel number 09-14-226-001 (surrounded by parcel 09-14-226-008).

If you are not able to attend, you may send correspondence to the Orion Township Hall, 2525 Joslyn Rd. addressed to the Planning Commission to express your concerns and comments. A copy of the proposed Special Land Use is on file in the Planning & Zoning Department office and the Township Clerk’s office and may be examined during normal business hours, 8:30 a.m. to 4:30 p.m., Monday through Friday until the date of the public hearing.

Orion Township will provide necessary and reasonable auxiliary aids, and services for individuals with disabilities at the public hearing upon advance notice by writing or calling Penny S. Shults, Township Clerk, 2525 Joslyn Road, Lake Orion, Michigan 48360; (248) 391-0304, ext. 4001. Please contact the Clerk’s office at least 72 hours in advance of the public hearing.

Scott Reynolds
Planning Commission

Penny S. Shults
Township Clerk