

**CHARTER TOWNSHIP OF ORION
PLANNING COMMISSION REGULAR MEETING AGENDA
WEDNESDAY, OCTOBER 19, 2022 - 7:00 PM
ORION TOWNSHIP MUNICIPAL COMPLEX BOARD ROOM
2323 JOSLYN ROAD
LAKE ORION, MI 48360**

Public Hearing at 7:05 p.m.: PC-22-35, Township Initiated Text Amendment to Zoning Ordinance #78, Article XXX, Section 30.09, Performance Guarantees.

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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
******* A G E N D A *******
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CHARTER TOWNSHIP OF ORION PLANNING COMMISSION
******* MINUTES *******
REGULAR MEETING, WEDNESDAY, OCTOBER 5, 2022

The Charter Township of Orion Planning Commission held a regular meeting on Wednesday, October 5, 2022, at 7:00 p.m. at the Orion Township Municipality Complex Board Room, 2323 Joslyn Road, Lake Orion, Michigan 48360.

PLANNING COMMISSION MEMBERS PRESENT:

Don Walker, PC Rep to ZBA
Don Gross, Vice Chairman
Kim Urbanowski, BOT Rep to PC

Derek Brackon, Commissioner
Joe St. Henry, Secretary
Jessica Gingell, Commissioner

PLANNING COMMISSION MEMBERS ABSENT:

Scott Reynolds, Chairman

1. OPEN MEETING

Acting Chairman Gross opened the meeting at 7:00 p.m.

2. ROLL CALL

As noted above.

CONSULTANTS PRESENT:

Mark Landis (Township Engineer) of Orchard, Hiltz, and McCliment, Inc.
Tammy Girling, Township Planning & Zoning Director

OTHERS PRESENT:

None.

3. MINUTES

A. 9-7-22, Planning Commission Regular Meeting Minutes

Moved by Commissioner Gingell, seconded by Commissioner Walker to **approve the minutes** as presented. **Motion carried**

4. AGENDA REVIEW AND APPROVAL

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, 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-2019-06, Silverbell Pointe, amendment to the final PUD plan, located on 4 vacant parcels south of Silverbell Rd. on the east side of Joslyn Rd. (Sidwell #'s 09-33-201-001, 09-33-128-001, 09-28-379-001, & 09-28-451-001).

Acting Chairman Gross said since this is new business it is a reflection of an amendment to a previously approved PUD which goes back a couple of years. The Planning Commission reviewed it, and the Township Board approved the PUD in 2021. This is a proposed amendment to that plan. He asked if the applicant would like to make a presentation.

Mr. Thompson stated that he was representing Franklin Ridge Homes. Unfortunately, Mr. Steuer could not attend. They came in 2019 and went through several versions of their plan, eventually having preliminary PUD approval and then the final PUD approval. They have since been working on engineering drawings. That little causeway between Mud Lake and Judah Lake on Joslyn has about every single agency you can think of within that intersection or that causeway area. They have had to work with EGLE, MDOT Rail, CN Rail, ITC, RCOC, and every other acronym that they could think of to get their approvals.

Mr. Thompson said as they ventured through those approvals, they found they had some difficulties. Some of the items that the RCOC wanted, Township Engineer didn't want, and MDOT didn't like the way that was going. They have just been back and forth with probably six different versions of the approach.

Mr. Thompson stated that the plan they have today is essentially the same plan that was previously approved. He showed the Board the originally overall site plan. There are 46 lots on 28 acres, 42 acres of preserved wetland and lake area, and a 4-acre donation to the Township for a future park. As far as the site itself goes, when they had it approved, they had a boulevard entrance, they had a left-hand center turn lane that was going to feed that new approach, and they had an emergency vehicle access that was adjacent to the pond. That was for providing the second point of access to the subdivision. They were unable to get EVA access. The CN Rail said that if they wanted to put in a new crossing, they had to remove two other ones. They worked with the Supervisor, County, and State to see if there was anything else that they could close a road, and everyone said no, you are not closing an intersection that has a railroad track across it. They eventually had to stop that and pursue other avenues. Their biggest issue is because the railroad track is so close to the entrance, how do they get that geometry to work?

Mr. Thompson said they came back in with an alternative plan that they resubmitted recently. From the subdivision perspective, it is the exact same plan. The EVA is gone, and the approach has a pork chop on it which means on the boulevard entrance it flares out to prevent left-hand turns. That was a condition of RCOC, they said if they can't get enough stacking at the railroad tracks, because the lefthand center lane turn was \$750,000 worth of improvements through CN Rail because of all the equipment that they had to move, and the project just couldn't take that type of cost. So, they went back RCOC to and got their approval they started getting the MDOT approvals, and they resubmitted back to the Township and the Township said that they don't want to have a restricted turn, they wanted them to have full access turn.

Mr. Thompson showed the Board what they did. Their original plan they could see the stripe out for the left-hand center turn lane, that is what they were originally proposing. What they see tonight in the current plans is what they call a pork chop or a half pork chop and showed them how the boulevard instead of having just a round corner now has a small little bump out, it is slight but the purpose of that is to help restrict, help visually impede people who would be wanting to turn left despite the fact that it would be signed as no left. That was the proposal that they see tonight.

Mr. Thompson stated that based on the reviews from the Township consultants and Planning Supervisor, and a recommendation that they want unrestricted access they changed gears again and are looking at the option of a bypass lane. Their original left-hand center lane was all on the east side of the existing road, happens to be that the road itself is literally on the west side of the right-of-way, so building on that west side was never an option. Based on conversations they have had with the RCOC and the Township Engineer they think there is potential as the piece of property that is there that they would have to cross is ITC's property. What they would like to do is pursue a highway easement from ITC, CN has already indicated

that they could expand into their property. This would allow them an option that he thought would be cost-effective or at least absorb the cost to do this improvement, and it would give them full unrestricted access.

Mr. Thompson said what he is asking tonight if they are willing to vote, is that they would get conditional approval on the amended final PUD with the understanding that they still need to get the bypass approved, RCOC permit, MDOT permit, and everybody else's permitted approval and of course, the Township Engineers approval, if they would be willing to vote on having that as a condition of an administrative approval, for review.

Acting Chairman Gross asked if there were any questions from the Planning Commissioners. There was none.

Engineer Landis noted that the letter that was in front of them was of course the review of the originally submitted plan which had restricted access. They are not in favor of that because it introduces difficulties for enforcement. They have spoken with the Fire Marshal it increases their response time, also creates safety concerns, and having residents that are traveling south or deliveries having to go past their entrance and then circle back and come back is very inconvenient. They were not in favor as the applicant had indicated for that restricted access.

Engineer Landis said that the emergency vehicle access that was at the north end of the site has been removed and the applicant has added a note to the plans that they will suppress all of the units. That was his understanding that the original requirement for that EVA was of the Fire Marshal since the plan now includes the suppression that that EVA is no longer needed.

Engineer Landis stated that in regard to the plan that was just presented, they haven't seen it yet, but they would find that acceptable in concept. It would not be a dedicated center left turn lane which obviously would be better and safer instead they are going to have southbound traffic basically stopped to turn left but they would have that bypass lane on the right-hand side to get around that person that is turning left. He noted that it is not a huge subdivision so the amount of left-hand turns is probably on the low side. In their opinion, he thought it would be acceptable. Obviously, it would be subject to RCOC approval, and then their review as well.

Trustee Urbanowski said they would still need to submit these new plans with the bypass, and it would have to go through engineering, fire, MDOT, and RCOC. She asked if it still needed to get CN approval as well. Engineer Landis replied that he believed that there would be some work done in their right-of-way, so that was his understanding, yes. Trustee Urbanowski said and also ITC, so they have a lot of people that need to say yes.

Trustee Urbanowski asked Engineer Landis if he thought it was acceptable to do a bypass. Engineer Landis replied in lieu of the center left turn lane, yes. He said it is a very challenging location, there is a lot of grade change, so there is going to be a need for culvert extensions, guardrails, etc.

Trustee Urbanowski asked how many units are in this again. Mr. Thompson replied 46. Trustee Urbanowski asked how far south from the elementary school is this. Acting Chairman Gross replied, a quarter to a half mile.

Acting Chairman Gross asked if the Fire Department reviewed this plan that was presented tonight yet. Engineer Landis replied not to his knowledge. Engineer Landis asked for clarification on which plan. Acting Chairman Gross said the one that was presented here tonight. Engineer Landis said the new plan with the bypass lane. Trustee Urbanowski replied, no. Acting Chairman Gross said although it appears that it satisfies their concerns. Engineer

Landis stated that his understanding was yes it would be because they have taken care of the suppression of the units. In regard to the Fire Marshall's denial of the original plan that was presented that was because the left-hand turns were prohibited into the site. This would give them full access, so he would not foresee any reason why he would object.

Trustee Urbanowski said that 46 units are not that much, if they are comfortable with it in terms of engineering, the units will be suppressed. They knew it was a challenging site but as long as they get all of these approvals, which will be a lot.

Secretary St. Henry asked if the rail line is used currently. Mr. Thompson said it is currently paved over at Silverbell. He thought the last time that this rail was used was for a traveling carnival that came to town that was 20-something years ago. Planning & Zoning Director Girling said that there was definitely discussion with the expansion of GM of this running again. Secretary St. Henry said he read that from multiple sources, so that is still a possibility. Planning & Zoning Director Girling said it was still a possibility that is what she would label it.

Secretary St. Henry asked why the left-hand turn lane was rejected. Everybody agreed that that would work it was just a money issue. Mr. Thompson replied that from the Township to the County to the State the geometry work for a left-hand turn. It was the fact that ITC has a ton of equipment that is all on that side of the road and it was literally $\frac{3}{4}$ of a million dollars just for ITC to do the improved track that they have to do for special tracks when they cross roadways. Plus, their huge equipment cabinets and their other signalization, so by the time they got done with their other improvements that had to go in that intersection it was close to one million dollars. ITC is now saying with the bypass it would be around \$55,000, 10% of the cost to just shift to the other side of the road.

Acting Chairman Gross stated that it appears that this is a solution to a difficult site and still accomplishes what they as a Commission wants. They expressed from the very beginning that there be continued access to the site for all movements, left turns in left turn out, right turns in, and right turns out, this accomplishes that. Then with the note of the units being fire suppressed, he made the assumption that that satisfies the Fire Departments' concern as well. He added that they have a number of options before them, they can postpone any action on this plan until they receive final acceptance of all parties, or they can recommend to the Township Board that the plan be amended as suggested this evening with various conditions such as final review by the Engineer, Fire Department, and the obtaining of the necessary permits from the various agencies. Planning & Zoning Director Girling wanted to clarify that this does not go to the Board of Trustees. She added that this is considered minor, so it does not, they are the deciding Board. Acting Chairman Gross asked even though they approved the original plan, the amendments can be done by the Planning Commission. Planning & Zoning Director Girling replied, correct.

Secretary St. Henry asked what the rationale of getting their conditional approval before they get any of the other reviews. Mr. Thompsons replied, primarily time and money. They have to go out and do a topo survey, they have to redo the design, they have to get a wetland delineation, so they have a ton of more work to do in order to get in front of the agencies and to make sure that this works. The idea is if they had their approval to move forward then the owner feels comfortable with granting the time and money that it costs to do it.

Trustee Urbanowski asked if the plans that are date stamped received on September 14th are with the pork chop. So, do they still have to submit a whole new drawing for this? Planning & Zoning Director Girling replied that the one that is here tonight, the favorable one, is the first that anyone has seen it. It has not been submitted to anyone at the Township with the bypass lane. Trustee Urbanowski stated that they couldn't approve the plans that are in front of them.

Planning & Zoning Director Girling said a motion would be to deny the plans date stamped September 14th however conditionally approve the one presented tonight with the bypass with the condition that it is resubmitted and rereviewed to the satisfaction of the Township Engineer, Township Fire Department, and all other approving entities. She added that if one of those doesn't, then it is not approved, and they have to come back with something else.

Secretary St. Henry asked Township Engineer Landis if he felt based on his experience and review of what is being discussed tonight that these other agencies will approve this. Do you see any in there that could be a red flag to any of those agencies? Engineer Landis replied that that is a difficult question to answer. He said to be honest he doesn't know. All he did know is that they saw correspondence with the applicant and RCOC saying that without full access they were going to prohibit left turns into the site. He added that creating this bypass lane that would seem to satisfy that requirement. They haven't had any discussions with RCOC relative to that, he didn't know if the applicant had. He assumed that if they hadn't heard anything negative otherwise, he didn't feel they would be before them tonight asking for such approval. Mr. Thompson said the previous plan they were at 90% approvals, they already had an RCOC permit, they were on their second review for final engineering with the Township, they formally had their DSTR meeting with MDOT Rail to go through the last steps with that, and then CN was in the process of starting their design plan for final approval. He didn't see any red flags to get another approval or to get all the agencies for their approval. Various agencies have different requirements and different things they want to see so, it is a matter of negotiating back and forth to come up with a happy medium between them. They floated the bypass in front of the Township, RCOC, and CN and everybody was in agreement with that.

Secretary St. Henry asked if he had any concerns that GM fires up the rail system again, and how will that impact this development. Mr. Thompson replied he didn't think so, they know that they have a fire route from Kinmount that should a rail get stopped in the middle of Joslyn through this intersection they have fire access that they have identified through Kinmount if north is blocked, they have access from the south. They have conducted a traffic study, the traffic study said that the a.m. p.m. peak hours maximum on the stacking would be four cars. They have 100-ft. to the rail so they have room to stack four cars in the left-hand turn, so he didn't see any downfalls in the bypass option should that rail become active again.

Planning & Zoning Director Girling said she was not giving them a motion just a sample motion. She asked them to keep in mind that the plans that they received in the packet dated September 14th also eliminated the emergency vehicle access and added the note suppression. If was a conditional approval and they were going to be resubmitting with this bypass lane that plan should also have the elimination of the road and the note on the suppression. In addition, based on something the applicant said about needing to look at the wetlands when he looks at perhaps it is going to impact something, and he might have to come back for a wetland permit. It should be noted that if something is found in looking at how they are configuring this that impacts the wetland that they might have to come back for that as a separate application.

Moved by Trustee Urbanowski, seconded by Commissioner Walker, that the Planning Commission denies the amendment to the previously presented and conditionally approved final PUD plan for PC-2019-06, Silverbell Pointe located on 4 vacant parcels south of Silverbell Rd. on the east side of Joslyn (Sidwell's 09-33-201-001, 09-33-128-001, 09-28-379-001, & 09-28-451-001) for the plans date stamped received September 14, 2022, because that was not approved. We would conditional approve the concept of the bypass that was presented tonight conditioned upon: to submit and rereview to OHM and the Fire Department and then also approvals from RCOC, MDOT, CN, and ITC; as well as the changes that occurred in terms of the emergency vehicle assess removal, that road removal needs to be on the new plans as well, and then indicate that the units will be suppressed in leu of that emergency vehicle access road;

also conditional approval based upon the wetland survey that will be done, and if they need to come back for a wetland permit then they would have to come back for that.

Roll call vote was as follows: Gross, yes; St. Henry, yes; Urbanowski, yes; Walker, yes; Gingell, yes; Brackon, yes. **Motion carried 6-0 (Reynolds absent)**

B. Discussion on possible text amendments

Planning & Zoning Director Girling stated that when she has free time, she tries to work on text amendments. She put her mind to what is on her list, for instance, running two concepts past them. It has been proposed in the ordinance it does say that a ZBA variance is good for one year to pull a building permit. That is not State regulation that is their ordinance. It has been suggested that perhaps the ordinance be modified to say that the first year it can be extended by staff versus having to apply to the ZBA and go back. So, they would basically get after two years they would have to back to the ZBA. She added similarly to the site plans that they see. They see many of them, she knows if they had a change in the text that would affect the site plan. So, would they be open to the concept of not only the ZBA variance being extended for the first year by staff but a site plan approval one year by staff then after that it would have to come to PC or ZBA?

Trustee Urbanowski said they have seen a lot of extensions because of a lot of issues in the last two years and she didn't think that they denied any of them and they have all been understandable. She was ok with the idea of that.

Planning & Zoning Director Girling asked if anyone was strongly opposed. Obviously, they have to have a public hearing, and it goes to the Township Board, but is there anybody that is opposed to that concept? There was not.

Planning & Zoning Director Girling stated that she did a quote from the planner to work on their PUD section and tree preservation. Obviously, he can't work on two at the same time, is there one that they would like to have him tackle sooner than the other, both need a lot of work.

Trustee Urbanowski said just last week Trustee Dalrymple and Sam Timko and herself went to St. Louis for the American in Bloom Symposium and they were connected with a lot of really good experts in terms of trees, ordinances, and language, and things like that that would benefit them, she thought and could pull from some of their expertise because now there are experts and that is what they are supposed to use them for. That being said she thought that there were some other things that they want to talk about in terms of trees. She thought that could come later in her opinion, and she thought the PUD would take precedence because they are seeing a lot of that lately.

Secretary St. Henry said one of the two projects they want to work on is updating the PUD section. Planning & Zoning Director Girling said that the PUD section does read poorly. If they read it from start to finish, she herself says, how do I educate somebody on what this says besides what she has interpreted it to be, it does not read well. It looks like it has been put together in different steps and maybe parts were missed when they fixed another part, and it is pretty rough. Considering the number of PUDs, they get it is definitely something that they need to work on the language, in addition to the fact that they have within the Master Plan to discuss PUDs, looking at that and how they look at them. PUDs are allowed via the Zoning Enabling Act so it is something that is there it is just the language that they have drafted that is a little bit choppy.

Secretary St. Henry asked if it was possible to make 1A priority and the other 1B priority. Planning & Zoning Director Girling replied it could be. Both of those are a priority but both of those are elaborate enough that they are going to be paying the Planner to do, and he is not going to work on both at the same time. They could finish up one and immediately go to the other. She figured if it takes some time, and they get busy and they got two or three cases the last thing they want to do is talk about a text amendment. It doesn't mean that the Planner can't start it knowing it could be a couple of months before they get to the point that they are ready to forward it to the Board of Trustees. She asked which one do they want to work on first.

Commissioner Walker said it seemed to him now that everything from now on for the rest of their lives is going to be a PUD because all buildable sections and pieces are gone. So, it has to be fine-tuned, and when they fine-tune things, they end up giving so much away to get the fine-tuning. Planning & Zoning Director Girling said that they do end up with some wonderful benefits. If they look at the pros and cons of something that was a straight rezone and they were successful, all of the extra buffering and community benefits would not be there. Commissioner Walker said that is historically speaking he is talking about proactively speaking. Acting Chairman Gross stated maybe they don't need to be giving away so much stuff with some of the new revisions. Commissioner Walker stated that he is not demanding abstinence from this but thought they should tighten that down, for sure.

Commissioner Walker said not to forget about the trees either. Secretary St. Henry said they are both important so he didn't see why the Planner cannot work on both of them at the same time quite frankly. Planning & Zoning Director Girling replied that she hasn't asked she just knew up to this point she barely has time to breathe. With the number of cases that come in and they see it but then there are resubmittals and sometimes there are three or four resubmittals after they see them. That means for them to see it three or four times and they got a stack of them it doesn't necessarily give the time. Even for her to look over it and give her critical, and what she thinks of what they are proposing. Secretary St. Henry thought that they should set a rough timeframe to have both of those sections updated. If the Planner agrees to it and it happens whether that is three months, six months, or whatever they agree to let's get it done and do it the right way. If it is as bad as you say it is and they just went through the whole Master Plan process. Planning & Zoning Director Girling said it reads poorly; it doesn't mean it doesn't work. She understood there are those that don't like it. She added that she will start with PUD, and she will ask the Planner if he can work on both at the same time.

Planning & Zoning Director Girling stated that she is working on fences from a directive from the Planning Commission. Performance Guarantee is here for a public hearing at the next Planning Commission meeting. She has some ideas from the Planner on solar. She asked if any of them have any sections that they can think of that they see when they are looking at a review or anything that she should be directing any effort to.

8. UNFINISHED BUSINESS

None.

9. PUBLIC COMMENTS

None.

10. COMMUNICATIONS

None.

11. PLANNERS REPORTS

None.

12. COMMITTEE REPORTS

None.

13. PUBLIC HEARINGS

Planning & Zoning Director Girling stated that they do have a public hearing at their next Planning Commission meeting they have a public hearing on the Text Amendment for Performance Guarantees at 7:05 p.m.

14. CHAIRMAN'S COMMENTS

None.

15. COMMISSIONERS' COMMENTS

Commission Walker said regarding the library, he thanked all of them for the hard work that they put into the book sale a week and a half ago. They made about \$7,000 for their little library is a big deal. They couldn't do it without all of the public buying the books and all the volunteers that come in their free time to do it.

Trustee Urbanowski stated that she wanted to follow up with what she started talking about with America in Bloom. Some of the presentations that she saw while she was there that she thought this Commission would be interested in reading, in terms of landscaping and trees. She said she will pull something together they are trying to pull from the report around 40 pages and is all good information. The Township received a grant from CN to do the gateway landscaping on Joslyn and Brown Rd. where the big tower is there across from Meijer as they are coming into the Township, there are plantings on both sides. There is going to be a ribbon cutting tomorrow, some of the representatives from American in Bloom will be coming up here from Ohio. They will be doing a ribbon cutting to open that gateway at 3 p.m. and everyone is invited to come to that. You can park at Lake Orion Roofing or at the Mattress Firm. The big thing that happened for the Township is that they won, there are seven sections to the report, and the community vitality section they won that section. It is hard for a first-time participant to do that. They were really impressed with their volunteerism and the things that they do for their citizens, the way they feed people, and the way they have the inclusive ballpark. It was really rewarding to hear some of the things because they all read the report and they know what is going on. They were impressed with them.

Planning & Zoning Director Girling stated that they have been busy with submissions, resubmissions, and specifically GM, they have been very busy. She just wanted to thank OHM they have been working very hard. They always take our calls they always answer our questions. They are a wonderful resource and they have really been doing anything and everything related to GM and getting the plans done quickly.

16. ADJOURNMENT

Moved by Trustee Urbanowski, seconded by Commissioner Gingell, to adjourn the meeting at 7:45 p.m. **Motion carried.**

Respectfully submitted,

Debra Walton
PC/ZBA Recording Secretary
Charter Township of Orion



Charter Township of Orion

2323 Joslyn Rd., Lake Orion MI 48360
www.oriontownship.org

Planning & Zoning Department

Phone: (248) 391-0304, ext. 5000

TO: The Charter Township of Orion Planning Commission

FROM: Tammy Girling, Planning & Zoning Director

DATE: October 13, 2022

RE: PC-22-35, Township Initiated Text Amendment to Zoning Ordinance #78,
Article XXX, Section 30.09, Performance Guarantees

As requested, I am providing a suggested motion for the matter mentioned above. Please feel free to modify the language. The verbiage below could change based upon the Planning Commissions findings of facts.

Amendments to Zoning Ordinance No. 78 (Zoning Ordinance 78, Article XXX)

Motion 1: I move that that the Planning Commission forwards a recommendation to the Township Board to **approve and adopt** PC-22-35, Township Initiated Text Amendment to Zoning Ordinance #78, Article XXX, Section 30.09, Performance Guarantees, for the following reasons: **(insert any findings of facts)**.

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OCT 5 2022

Orion Township
Planning & Zoning**Article XXX****Administrative Procedures & Standards****Section 30.09 – Performance Guarantee**

- A. Intent. To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Township shall require that a performance guarantee be deposited with the Township Clerk, to ensure faithful completion of improvements.
- B. Improvements Covered by the Performance Guarantee. As used in this section, improvements include those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. Improvements shall include roadways, lighting, utilities, sidewalks, screening, parking areas, drainage, and similar features. Township requirements related to improvements such as record (as-built) plans, easements, maintenance and financial guarantees, and similar items, along with consultants' review time, shall also be included in the performance guarantee improvements. *(amended 09.04.01, 08.15.16)*
- C. Completion Agreement (PUD Agreement). For a Planned Unit Development under Section 30.03, or any development intended to be developed in more than one phase, the following shall be set forth in a completion agreement: the improvements to be covered by the performance guarantee, the amount required to guarantee completion of the improvements plus an administrative fee in an amount approved by the Township Board, and the time for completion of the improvement. The completion agreement shall be in a form and manner approved by the Township Attorney. *(added 08.06.07, amended 08.15.16)*
- D. Requirements. All performance guarantee, completion agreements, and development agreements (including PUD Agreements) shall meet the following requirements:
(amended 08.06.07, 08.15.16):
1. The performance guarantee shall be in the form of a cash deposit, irrevocable bank letter of credit, certified check, or performance bond acceptable to the Township, which shall be deposited with the Township. The performance guarantee shall be submitted along with a fully executed completion agreement, if applicable, at the time of issuance of the permit authorizing the activity or project. The Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business. The fund shall not accrue interest.
 2. The amount of the performance guarantee shall be sufficient to cover fifty percent (50%) of the total estimated cost of improvements associated with a project for which site plan approval is sought, which amount shall be reviewed and approved by the Township Engineers, with the inclusion of an administrative fee payable as a separate fee paid in cash, in an amount set by the Township's fee schedule (Ordinance No. 41). The only exception to this requirement shall be for projects located in the Industrial Complex (IC) District as set forth in Subsection D(3)(below).
 3. Projects located within the Township's Industrial Complex (IC) District, as defined in Section 19.00, shall be governed by all provisions set forth in Section 30.09, with the exception of Subsection (D)(2), above. Instead, due to the increased cost and scope of projects located in the Industrial Complex (IC) District, the amount of the performance guarantee for such projects shall cover a percentage of the total estimated cost of improvements associated with a project for which site plan approval is sought, which may be less than fifty percent (50%) of the total estimated cost of improvements. The total estimated cost of improvements associated with a project for which site plan approval is sought under this Section shall be approved by the Township Engineers, with the inclusion of an administrative fee. The percentage of the performance guarantee shall be recommended by Township Engineer and approved by the Township Board of Trustees.
 4. The entire performance guarantee, without interest and less the ten percent (10%) detailed in Section 30.09 (D) (5) below, shall be returned to the applicant upon satisfactory completion of the required improvements within the time limits specified in this Ordinance. For a performance guarantee in the form of a cash deposit or irrevocable bank letter of credit, an Applicant may request that the performance guarantee be partially returned prior to completion of the required improvements if Township Administration determines the improvements are at least 50% complete. If Township Administration determines the Applicant meets the foregoing requirement, it shall return a portion of the performance in an amount determined by the Township Engineer which shall be in reasonable proportion to the work completed on the required improvements. For a performance guarantee in the form of a bond, no reduction shall occur until the project or work for which the bond was required is one hundred percent (100%) complete and all fees and other obligations for the project to the Township are satisfied. The applicant is responsible to pay all costs and fees, including all

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consultant or third-party fees, related to the Township's determination of the reasonable proportion of the work completed.

5. An amount not less than ten percent (10%) of the total performance guarantee shall be retained for a period of at least one (1) year after installation of landscape materials to ensure their proper maintenance and replacement, if necessary. This amount, without interest, shall be released to the Applicant upon certification by the Planning and Zoning Department that all landscape materials are being maintained in good condition. For developments with landscaping intended to be installed in more than one phase, the Planning and Zoning Director may, at their sole discretion, release a portion of the 10% of the performance guarantee after landscaping materials have been installed in at least one phase for a one (1) year period. The amount released shall be prorated based on the percentage of the total project (including all phases) which is completed at the time of review, as determined in the sole discretion of the Planning and Zoning Director/Administrator.

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- E. Unsatisfactory Completion of Improvements. Whenever required improvements are not installed or maintained in accordance with the standards or time limits of this Ordinance or as set forth in a completion agreement, the Township may complete the necessary improvements itself or by contract with an independent contractor and assess all costs of completing said improvements against the performance guarantee or other surety. Prior to the completing of said improvements, the Township shall provide 30 (thirty) days' notice to the persons that provided the performance guarantee and the licensee or holder of the permit, certificate, or approval that required the performance guarantee. *(amended 08.06.07, 08.15.16)*

F. Default and Use and Disposition of Bonds.

1. Bond Forfeiture. A bond shall be forfeited to the Township if: (i) a condition of the bond, or the Code, permit, certificate, or approval that required the bond, is not satisfied, and complied with at the deadline for that compliance, or (ii) if a licensee or holder of a permit, certificate, or approval fails to timely request a required Township compliance inspection or review. The application for the permit, certificate, or approval for which the bond was provided shall be deemed to have authorized the right of the Township by its employees, agents, consultants, and/or contractors to enter upon the property to determine whether the terms of any condition of the bond, or the Code, permit, certificate, or approval has been met.
2. Before forfeiting a bond, the Township will provide at least thirty (30) calendar days' written notice of its intention to do so to the persons that provided the bond, the principal, and any sureties on the bond, and the licensee or holder of the permit, certificate, or approval that required the bond. Such notice shall include the opportunity to cure the default in a time and manner specified in the notice to the persons that provided the bond and that obtained the Township permit, certificate, or approval. The proceeds of a forfeited bond shall be applied or held by the Township toward the cost of accomplishing or securing compliance with the conditions of the bond, Code, permit, certificate, or approval, and to cover the Township convenience fee in accordance with Sec. F(4) with any portions not needed for that purpose to be refunded to the source of the forfeited, drawn upon, or collected bond proceeds held by the Township. A notice given under this section may be provided by first class mail or other delivery to addresses provided to the Township.
3. If the bond proceeds are insufficient in amount to pay for the costs that are, or will be, incurred by the Township, the persons that provided the bond and/or that obtained the Township permit, certificate, or approval, shall be required to pay, and are liable to the Township, jointly and severally, for such additional amounts, which shall be paid within thirty (30) days of the Township's written notice of deficiency.
4. The Township may incur actual costs in exercising its rights to cure or satisfy a default and achieve compliance, as set forth herein. Any portion of the proceeds of a forfeited, drawn upon, or collected bond that remain after payment of: (i) all actual costs, (ii) the Township's administrative costs, (iii) an additional convenience fee of up to five percent (5%) of the total bond amount to cover costs for consultant reviews and/or staff time to undertake review and enactment of the forfeiture in accordance with this Ordinance; and (iv) any actual attorney and consultant fees incurred by the Township; shall be refunded to the person who provided the bond funds that were used by the Township.
5. If a default on a requirement or condition of a bond, Code, permit, or certificate of approval is cured or satisfied, and compliance is achieved by persons other than the Township after a bond that has been forfeited or subject to draw or collection, then any bond proceeds that remain after payment of any actual attorney and consultant fees incurred by the Township, as well as administrative costs and convenience fees, shall be

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Administrative Procedures & Standards

refunded to the source of the forfeited, drawn upon, or collected bond proceeds held by the Township.

30.09 Performance Guarantee

Revised 09/___/22

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Orion Township
Planning & Zoning

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Section 30.09 – Performance Guarantee

- A. Intent. To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Township shall require that a performance guarantee be deposited with the Township Clerk, to ensure faithful completion of improvements.
- B. Improvements Covered by the Performance Guarantee. As used in this section, improvements include those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area. Improvements shall include roadways, lighting, utilities, sidewalks, screening, parking areas, drainage, and similar features. Township requirements related to improvements such as record (as-built) plans, easements, maintenance and financial guarantees, and similar items, along with consultants' review time, shall also be included in the performance guarantee improvements. *(amended 09.04.01, 08.15.16)*
- C. Completion Agreement (PUD Agreement). For a Planned Unit Development under Section 30.03, or any development intended to be developed in more than one phase, the following shall be set forth in a completion agreement: the improvements to be covered by the performance guarantee, the amount required to guarantee completion of the improvements plus an administrative fee in an amount approved by the Township Board, and the time for completion of the improvement. The completion agreement shall be in a form and manner approved by the Township Attorney. *(added 08.06.07, amended 08.15.16)*

- ~~D. Requirements. All performance guarantee, completion agreements, and development agreements (including PUD Agreements) shall meet the following requirements:~~
- ~~D. Requirements of PUD Agreements. All performance guarantee and completion agreements (PUD Agreements) shall meet the following requirements~~
(amended 08.06.07, 08.15.16):

1.

The performance guarantee shall be in the form of a cash deposit, irrevocable bank letter of credit ~~or~~, certified check, ~~or surety performance bond acceptable to the Township, which shall be deposited with the Township.~~

2. The performance guarantee shall be submitted along with a fully executed completion agreement, ~~if applicable, at the time of issuance of the permit authorizing the activity or project. The Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business. The fund shall not accrue interest.~~

2. The amount of the performance guarantee shall be sufficient to cover fifty percent (50%) of the total estimated cost of improvements associated with a project for which site plan approval is sought, which amount shall be reviewed and approved by the Township Engineers, ~~with the inclusion of an administrative fee payable as a separate fee, paid in cash, plus an administrative fee, in an amount approved by the Township Board, in an amount set by the Township's fee schedule (Ordinance No. 41). The only exception to this requirement shall be for projects located in the Industrial Complex (IC) District as set forth in See Subsection D(3)(below), five percent (5)~~

3. Projects located within the Township's Industrial Complex (IC) District, as defined in Section 19.00, shall ~~not be subject to the provisions set forth in Section 30.09, with the exception of in See Subsection D(2), above, and shall be governed by this section. Instead, due to the increased cost and scope of projects located in the Industrial Complex (IC) District, the amount of the performance guarantee for such projects shall cover a percentage of the total estimated cost of improvements associated with a project for which site plan approval is sought, which may be less than fifty percent (50%) of the total estimated cost of improvements. The total estimated cost of improvements associated with a project for which site plan approval is sought under this Section shall be approved by the Township Engineers, with the inclusion of an administrative fee. Such The percentage of the performance guarantee shall be recommended by Township Engineer and approved by the Township Board of Trustees. The total estimated cost of improvements associated with a project for which site plan approval is sought under this Section shall be approved by the Township Engineers, with the inclusion of an administrative fee.~~

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Article XXX

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4.

5.4. The entire performance guarantee, without interest and less the ten percent (10%) detailed in Section 30.09 (D) (5) below, shall be returned to the applicant upon satisfactory completion of the required improvements within the time limits specified in this Ordinance. ~~The For a performance guarantee in the form of a cash deposit, or irrevocable bank letter of credit, an~~ Applicant may request that the performance guarantee be partially returned prior to completion of the required improvements if Township Administration determines the improvements are at least 50% complete. ~~If Township Administration determines the Applicant meets the foregoing requirement, it shall return a portion of the performance in an amount as one (1) work progresses determined by the Township Engineer which shall be in reasonable proportion to the ratio of work-work~~ completed on the required improvements. ~~For a performance guarantee in the form of a bond, no reduction shall occur until the project or work for which the bond was required is 100-one hundred percent (100%) complete and all fees and other obligations for the project to the Township are satisfied.~~ The applicant is responsible to pay all costs and fees, including all consultant or ~~third-party~~third-party fees, related to the Township's determination of the reasonable proportion of the work completed.

5. An amount not less than ten percent (10%) of the total performance guarantee shall be retained for a period of at least one (1) year after installation of landscape materials to ensure their proper maintenance and replacement, if necessary. This amount, without interest, shall be released to the ~~a~~Applicant upon certification by the ~~Building Department~~Planning and Zoning Department that all landscape materials are being maintained in good condition. ~~For developments with landscaping intended to be installed in more than one phase, the Planning and Zoning Director may, at their sole discretion, release a portion of the ten (10%) percent of the performance guarantee after landscaping materials have been installed in at least one phase for a one (1) year period. The amount released shall be prorated based on the percentage of the total project (including all phases) which is completed at the time of review, as determined in the sole discretion of the Planning and Zoning Director.~~

6.

E. ~~E. Unsatisfactory Completion of Improvements.~~ Whenever required improvements are not installed or maintained in accordance with the standards or time limits of this Ordinance or as set forth in a completion agreement, the Township may complete the necessary improvements itself or by contract with an independent contractor; and assess all costs of completing said improvements against the performance guarantee or other surety. Prior to the completing of said improvements, the Township shall ~~notify provide 30 (thirty) days notice~~days' notice to the ~~the~~ persons that provided the performance guarantee and the licensee or holder of the permit, certificate, or approval that required the performance guarantee, owner, site plan review applicant, or other individual or firm responsible for installation and maintenance of the required improvements. (amended 08.06.07, 08.15.16)

FE. Default and Use and Disposition of Bonds.

1. ~~1. Bond Forfeiture.~~ A bond shall be forfeited to the Township if: (i) a condition of the bond, or the Code, permit, certificate, or approval that required the bond, is not ~~satisfied~~satisfied, and complied with at the deadline for that compliance, or (ii) if a licensee or holder of a permit, certificate, or approval fails to timely request a required Township compliance inspection or review. The application for the permit, certificate, or approval for which the bond was provided shall be deemed to have authorized the right of the Township by its employees, agents, consultants, and/or contractors to enter upon the property to determine whether the terms of any condition of the bond, or the Code, permit, certificate, or approval has been met.

2.

2. ~~Before forfeiting a bond, the Township will provide at least seventhy (30) calendar days' written notice of its intention to do so to the persons that provided the bond, the principal, and any sureties on the bond, and the licensee or holder of the permit, certificate, or approval that required the bond. Such notice shall include the opportunity to cure the default in a time and manner specified in the notice; to the persons that provided the bond and that obtained the~~

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Township permit, certificate, or approval. The proceeds of a forfeited bond shall be applied or held by the Township toward the cost of accomplishing or securing compliance with the conditions of the bond, Code, permit, certificate, or approval, and to cover the Township convenience fee in accordance with Ssec. DF(43) above with any portions not needed for that purpose to be refunded to the source of the forfeited, drawn upon, or collected bond proceeds held by the Township. A notice given under this section may be provided by first class mail or other delivery to addresses provided to the Township.

~~1. If the bond proceeds are insufficient in amount to pay for the costs that are, or will be, incurred by the Township, under subsection (a), the persons that provided the bond and/or that obtained the Township permit, certificate, or approval, shall be required to pay, and are liable to the Township, jointly and severally, for such additional amounts, which shall be paid within thirty (30) days of the Township's written notice of deficiency.~~

3.

~~2. If the bond proceeds are insufficient in amount to pay for the costs that are, or will be, incurred by the Township, under subsection (a), the persons that provided the bond and/or that obtained the Township permit, certificate, or approval, shall be required to pay, and are liable to the Township, jointly and severally, for such additional amounts, which shall be paid within thirty (30) days of the Township's written notice of deficiency.~~

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4. 4.-The Township may incur actual costs in exercising its rights to cure or satisfy a default and achieve compliance, under subsection (a), as set forth herein. Any portion of the proceeds of a forfeited, drawn upon, or collected bond that remain after payment of: (i) all actual costs, (ii) the Township's administrative costs, equal to 10% of the actual costs and (iii) an additional convenience fee of up to five percent (5%) of the total bond amount to cover costs for consultant reviews and/or staff time to undertake review and enactment of the forfeiture in accordance with this Ordinance; and (iv) 2, and (iii) any actual attorney and consultant fees incurred by the Township; shall be refunded to the person who provided the bond funds that were used by the Township.

5. If a default on a requirement or condition of a bond, Code, permit, or certificate of approval is cured or satisfied, and compliance is achieved by persons other than the Township after a bond that has been forfeited or subject to draw or collection, then any bond proceeds that remain after payment of any actual attorney and consultant fees incurred by the Township, as well as administrative costs and convenience fees, shall be refunded to the source of the forfeited, drawn upon, or collected bond proceeds held by the Township.

~~5. under Section 14-154 and convenience fees equal to 5% of the bond amount;~~

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

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

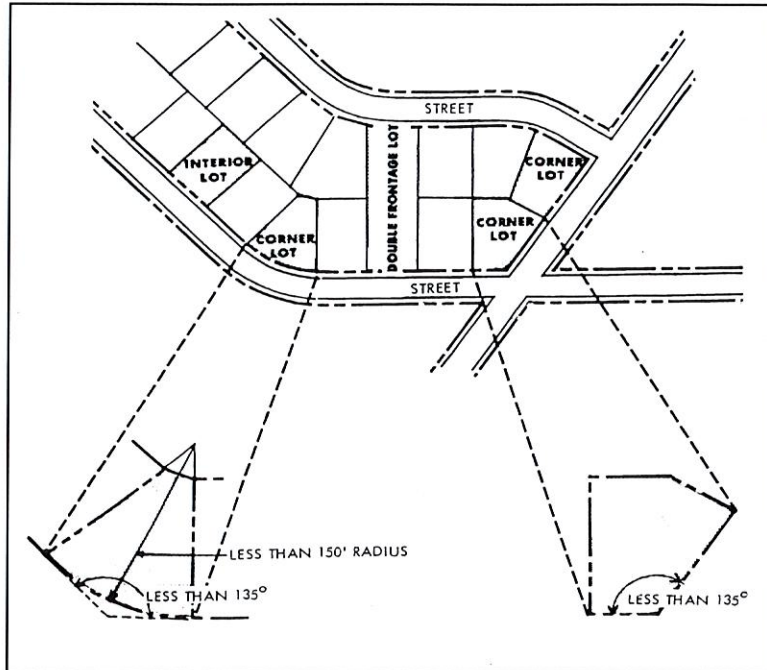


Illustration 2.5

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

Lot, Double Frontage: An interior lot having frontages on two (2) or more or less parallel streets or having frontage on a street and on a lake or canal as distinguished from a corner lot. In the case of a row of double frontage lots, one side shall be designated as a front on the plat and on the request for a building permit.

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

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

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

- A. Front Lot Line. In the case of a lot not located on a corner, the line separating said lot from the public or private road right-of-way. In the case of a corner lot, or double frontage lot, that line separating said lot from the road which is designated as the front road in the plat and or on the request for a building permit for the principal structure. ~~FF~~ For the purpose of determining setbacks, front yard setbacks shall be required for from each the lot line that abuts a public or private road right-of-way designated as the front road in the plat and/or on the request for a building permit for the principal structure (except a corner lot). For the purpose of determining setbacks on a corner lot, front setbacks shall be required from any lot line that abuts a public or private road right-of-way and shall meet the same rear and side setbacks for lot lines that do not front on a public or private road right-of-way. A front yard setback for the frontage along a private road shall not however be required for existing or proposed structure(s) on neighboring parcels adjoining a private road right-of-way and which are not subject to land division permits under Ordinance No. 27 or Ordinance No. 60. (amended 04.21.03)
- B. Rear Lot Line. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Building Inspector shall designate the rear lot line.

- C. **Side Lot Line.** Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

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

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

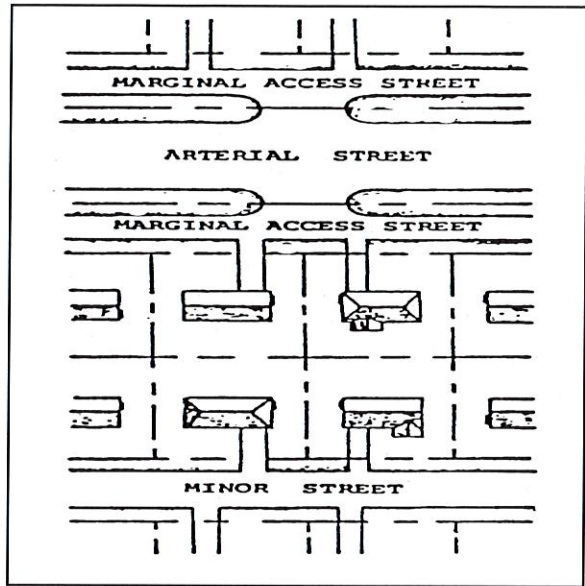


Illustration 2.6

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

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

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

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

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

Brown Road Innovation Zone - BIZ

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

Section 3.01 – Zoning District Boundaries

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

Section 3.02 – Interpretation of Zoning District Boundaries

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

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

Article IX

Office & Professional District (OP)

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

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

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

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

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Article IX

Office & Professional District (OP)

4. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreational zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 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 or recreationally 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.

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Article IX

Office & Professional District (OP)

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.~~

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

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~~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.~~

~~3.1. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. (amended 01.30.86)~~

J. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side 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.

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Article XI

Restricted Business (RB)

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

Article XI

Restricted Business (RB)

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

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Article XIV

General Business (GB)

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

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

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

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

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Article XIV

General Business (GB)

- a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, etc.
 - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
 - c. One (1) parking space per three (3) seats for theatres, performing arts centers, etc.
 - d. One parking space for every three (3) persons as designated in the maximum occupancy load of the building for private clubs, fraternal organizations, lodge halls, and places of worship. *(added 08.16.21)*
 - e. Parking requirements for all other uses in the GB district shall be based upon one (1) parking space per two-hundred (200) square feet of gross floor area.
2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
 3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 07.06.87)*
 4. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop or equivalent as approved by the Planning Commission.
 5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
 6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrial zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*

D. Landscaping.

1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of a GB District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located. *(amended 07.06.87)*
3. The off-street parking areas and access driveways shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls or evergreen landscaping subject to approval of the Planning Commission.
4. All landscaping and screening shall be maintained in an attractive, litter-free, safe and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93, 04.05.10)*

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Article XIV

General Business (GB)

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

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be 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.~~

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- ~~1. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.~~
 - ~~2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. *(amended 01-30-86)*~~
- J. Loading and Unloading
1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
 2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.
 3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
- K. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*

Article XVI

Limited Industrial (LI)

Section 16.03 – Required Conditions *(amended 02.01.16)*

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

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

Article XVI

Limited Industrial (LI)

4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*

E. Lighting Regulations. *(amended 04.27.00)*

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

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

G. Utilities. If possible, all utilities servicing the business structure shall be buried underground.

H. ~~Covered Trash Areas~~Trash Enclosures.

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

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- ~~1. Covered trash receptacles, surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure.~~
- ~~2. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.~~
- ~~3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.~~
(amended 01.30.86)

I. Loading and Unloading.

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

Article XVIII

Industrial Park (IP)

Section 18.00 – Preamble

The Industrial Park (IP) Districts are intended to provide locations for the development of industrial subdivisions/~~condominiums~~ permitting a variety of industrial uses in a park-like setting ~~- comprised of 2 or more parcels~~ with full provision of roads and utilities and with adequate setbacks, greenbelts, and landscaping ~~or stand-alone industrial users on one parcel with 2 or more principal buildings~~. 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 07.16.18, amended 12.20.21)

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

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

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Article XVIII

Industrial Park (IP)

- C. The following accessory uses shall be permitted, subject to the standards and requirements set forth herein and in Sections 27.02:
1. Repair and maintenance of vehicles and equipment owned by the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.
 2. The repair and maintenance of vehicles and equipment left for long-term storage of at least four (4) months with the proprietor or lessee of the storage facility, provided that such repair and maintenance activities take place within a completely enclosed building.
 3. One storage building for materials or equipment related to the principal use. However, building material outlets may be permitted, subject to Planning Commission approval.
 4. Accessory uses which in the opinion of the Planning Commission are subordinate and customarily incidental to the above permitted or special uses.
- D. Uses as listed below are allowed as a special land use subject to special use conditions imposed by the Planning Commission in accordance with Section 30.02, on parcels within the Lapeer Road Overlay District. These uses are to be complementary to the Industrial Park zoning district, and may include uses such as: *(added 09.02.14, amended 07.16.18)*
1. Showrooms for kitchen, bath, household fixtures, household furniture or other retail activities associated with fabrication, processing, or wholesaling. Products retailed shall be a minor part of the principal use activity. Retail floor area shall not exceed thirty percent (30%) of the total floor area.
 2. Automotive retail and service facilities, such as trailer hitches, car stereo, window tinting and similar uses.
 3. Automotive repair, paint and body shop, collision shop.
 4. Equipment repair and sales, such as recreational vehicles, lawn equipment, power tools and construction equipment.
 5. Banks and credit unions, with or without drive-through.
 6. Restaurants, including drive-through restaurants including outdoor café and/or patio subject to:

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

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Article XVIII

Industrial Park (IP)

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

B. Minimum Parcel Size.

1. The minimum parcel size for the Industrial ~~subdivision/condominium~~ Park as a whole shall be twenty (20) acres.

2. The minimum lot size within an Industrial ~~subdivision/condominium multi-unit development or a stand-alone parcel not within a subdivision/condominium with direct access to a major thoroughfare~~ Park shall be two (2) acres. *(amended 06.13.96)*

2.

C. ~~Access. It is intended that the effects of any industrial activity in an IP District should be confined within the IP District, so as to not create any nuisance or hazard for adjacent or nearby uses. It is further intended that Industrial subdivision/condominium within the IP District shall have:~~

1. ~~An internal roadway with a minimum sixty (60) foot right-of-way~~

2. ~~That each building or use within the complex have direct access onto that internal roadway~~

3. ~~That the district, as a whole, have direct access onto an existing or proposed major thoroughfare. If the development is a stand-alone parcel (is not a subdivision/condominium) even if numerous buildings are on the parcel, C 1-3 above do not apply.~~

G-D. 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 ~~or recreationally~~ used or zoned parcel, then no parking area or driveway shall be closer than fifty (50) feet to the adjacent property line. *(amended 06.15.89)*

4. The internal roadway ~~within a neighborhood or condominium~~ shall not be closer than one hundred (100) feet to an adjacent property line ~~not within the neighborhood or condominium~~.

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-E. Landscaping.

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

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Article XVIII

Industrial Park (IP)

2. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the zoning lot, except where ingress or egress drives are located, when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally zoned property, the landscaped greenbelt shall be at least fifty (50) feet in width, except where ingress or egress drives are located. *(amended 06.15.89, 05.22.97)*
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-F. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*

F-G. Lighting Regulations. *(amended 04.27.00)*

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

G-H. Public Road Access.

1. Any industrial park developed or proposed in the Industrial Park District shall have an internal public road having a minimum right-of-way of at least sixty (60) feet.
2. The internal public road shall have direct access onto an existing or proposed major thoroughfare having a thoroughfare having a right-of-way of at least one hundred twenty (120) feet.

H-I. Utilities. All utilities servicing the business structure may be required by the Planning Commission to be buried underground.

I-J. ~~Trash Enclosures~~Covered Trash Areas.

1. Covered trash receptacles, surrounded on three (3) sides by ~~walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, 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. ~~The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

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Article XVIII

Industrial Park (IP)

2. The fourth side of the trash receptacle enclosure shall be equipped with an opaque lockable gate that is the same height as the other 3 walls~~masonry-brick-wall~~.
3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle and enclosure 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-K. Loading and Unloading.

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

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

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

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

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

6. Noise. The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noises, due to intermittence, beat frequency or shrillness, shall be muffled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for safety and other public purposes are exempt from this standard.
7. Vibration. Vibrations from industrial operations and vehicular traffic in this zone must be controlled to the extent that they cannot be felt past any property line.
8. Radio Transmission. For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment.
9. Storage of Flammable Materials. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
10. Radioactive Materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
11. Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Oakland County Health Department, and the U.S. Environmental Protection Agency. Such requirements and regulations shall apply in all cases except when they are less stringent than the following standards in which case the following standards shall apply:
 - a. No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.
 - b. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of pH 5.0 to 10.0.
 - c. Wastes shall contain no cyanides and no halogens and shall contain not more than 10 p.p.m. of the following gases: hydrogen sulphite, sulphur dioxide and nitrous oxide.
 - d. Wastes shall not contain any insoluble substance in excess of 10,000 p.p.m. or exceeding a daily average of 500 p.p.m. or fail to pass a No. 8 Standard Sieve, or have a dimension greater than one-half (1/2) inch.
 - e. Wastes shall not have chlorine demand greater than 15 p.p.m.
 - f. Wastes shall not contain phenols in excess of .005 p.p.m.
 - g. Wastes shall not contain any grease or oil or any oil substance in excess of 100 p.p.m. or exceed a daily average of 25 p.p.m.

M.N. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97. *(amended 01.05.87, 02.04.03)*

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

Article XVIII

Industrial Park (IP)

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

Section 19.03 – Required Conditions *(amended 07.16.18)*

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

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

Article XIX

Industrial Complex (IC)

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4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements if provided evidence that the proposed landscape plans meet the intent of the landscaping provision as described in the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93, 07.05.22)*
6. Properties in the IC District are not required to obtain a Tree Removal Permit and not subject to the requirements of Sec 27.12. *(added 07.05.22)*
7. Parking areas should contain landscape areas to provide opportunities for rain gardens and stormwater runoff detention. The Planning Commission may, at their discretion, waive the requirements for landscaped islands based on evidence provided by the applicant that such landscaping would not provide significant stormwater detention benefits. *(added 07.05.22)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
 1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
 2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
 3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to more than one existing or proposed major thoroughfare having a minimum right-of-way of at least one hundred twenty (120) feet.
- H. Utilities. If possible, all utilities servicing the business structure shall be buried underground.
- I. ~~Covered Trash Areas~~Trash Enclosures.

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

~~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.~~

- ~~1. 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.~~
- ~~2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines~~

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~~that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.~~
~~(amended 01.30.86)~~

J. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side yard of a non-residential structure.
2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress or egress.
3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
4. The Planning Commission may, at their discretion, modify or waive certain loading requirements if provided evidence that the loading requirements in Section 27.04 do not reflect industry requirements and needs. *(added 07.05.22)*

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

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

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

If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
6. Noise. The measurable noise emanating from the premises and as measured at the street or property line, may not exceed sixty (60) decibels as measured on the "C" scale of a sound level meter constructed and calibrated in conformance to the requirements of the American Standards Association. Objectionable noises, due to

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Article XX

Railroad Freight Yard District (RFY)

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

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

F. Lighting Regulations. *(amended 04.27.00)*

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

G. Public Road Access. Any use developed or proposed within this district shall have direct access to an existing or proposed collector or major thoroughfare having a minimum right-of-way of at least one hundred twenty (120) feet.

H. Utilities. If possible, all utilities servicing the business structure shall be buried underground.

I. ~~Covered Trash Areas/Trash Enclosures~~

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

~~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.~~

- ~~1. 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.~~
 - ~~2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.~~
- (amended 01.30.86)*

J. Loading and Unloading.

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

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

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

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Article XXI

Special Purpose 1 (SP-1)

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

Section 21.03 – Required Conditions *(amended 07.16.18)*

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

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

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Article XXI

Special Purpose 1 (SP-1)

drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located

3. The off-street parking areas and driveway accesses to said parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission.
 4. All landscaping and screening shall be maintained in an attractive, litter-free, safe, and healthy condition. Maintenance of all landscaping shall be of sufficient frequency to prevent overgrowth and deterioration from the original condition.
 5. The landscaped greenbelt required along with the perimeter of the parcel may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office or industrially zoned property and when existing off-street parking, drives and/or structures are located within the setback area. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86, 09.16.93)*
- E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.08.98, 02.21.06)*
- F. Lighting Regulations. *(amended 04.27.00)*
1. A lighting plan shall be submitted with all site plans, as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
 2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
 3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.
- G. Public Road Access. Any use developed or proposed within this district shall have direct access to an internal roadway having a right-of-way of at least sixty (60) feet. This internal roadway shall have direct access to a dedicated public road having an existing or planned minimum right-of-way of at least eighty-six (86) feet.
- H. Utilities. If possible, all utilities servicing the buildings or structures shall be buried underground.

I. ~~Covered Trash Areas~~ Trash Enclosures

Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.

~~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 for use by businesses in the district.~~

- ~~1. 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.~~
- ~~2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.~~
(amended 01.30.86)

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

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

Section 22.03 – Required Conditions

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

- A. Site Plan Approval. The proprietor shall submit a site plan for approval pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Minimum Parcel Size. Minimum parcel size shall be ten (10) acres.
- C. Off-Street Parking.
1. One (1) parking space for each employee, plus five (5) parking spaces for visitors, shall be provided on the same parcel.
 2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking, based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment and/or the level of current or future customer traffic. *(amended 01.30.86)*
 3. Driveways and parking areas may be curbed and shall consist of hard-surfaced concrete, blacktop, crushed concrete or gravel, as approved by the Planning Commission.
 4. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
 5. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines.
 6. The required setback for parking may be reduced in width or waived by the Planning Commission when the parcel abuts commercial/office, or industrially zoned property, and when existing off-street parking, drives, and/or structures are located within the setback area. *(amended 09.16.93)*
- D. Landscaping.
1. A landscape plan shall be submitted to the Planning Commission for approval. The landscape plan shall specify plant materials and landscape treatment, based on the requirements of Section 27.05 of this Ordinance for such items. This landscape plan shall be part of, or accompany, the site plan.
 2. ~~A landscaped screen, at least twenty-five (25) feet in width, shall be provided along the entire perimeter of an SP-2 District use, except where ingress and egress drives are located. A landscaped greenbelt at least twenty (20) feet in width shall be provided along the entire perimeter of the SP-2 District, except where ingress or egress drives are located when the parcel abuts commercial/office or industrially zoned property. However, when the parcel abuts residentially or recreationally used or zoned property, the landscape greenbelt shall be at least thirty (30) feet in width except where ingress or egress drives are located.~~
 3. Such screening shall consist of earth berms and evergreen landscaping, subject to approval of the Planning Commission.

Article XXII

Special Purpose 2 (SP-2)

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

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Section 23.03 – Required Conditions *(amended 07.16.18)*

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

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

Article XXIII

Recreation 1 (REC-1)

3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89)*
4. Driveways and parking areas shall be curbed and consist of hard-surfaced concrete, blacktop, or equivalent as approved by the Planning Commission.
5. Off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.

D. Landscaping.

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

E. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 153. *(amended 10.98.00, 02.21.06)*

F. Lighting Regulations. *(amended 04.27.00)*

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

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

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

I. Covered Trash Areas/Trash Enclosures

Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure.

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Article XXIII

Recreation 1 (REC-1)

~~The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

~~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 yards.~~

~~1. 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.~~

~~2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle. (amended 01.30.86)~~

J. Loading and Unloading.

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

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

L. General.

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

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

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

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

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

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

	REC-1
Front Yard Setback	30 feet
Rear Yard Setback	30 feet
Side Yard Setback	20 feet on each side
Minimum Lot Area	20,000 sq. ft.

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

Where: S = The setback required.

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

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

D = Divisor

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

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

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

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

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

3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines. *(amended 09.14.89)*

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

5. All off-street parking areas shall conform to the standards set forth in Section 27.04 of this Ordinance.

D. Landscaping.

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

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

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

4. The Planning Commission may, at their discretion, modify or waive certain landscaping requirements in accordance with the considerations outlined in Section 27.05. *(amended 01.30.86)*

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

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

F. Lighting Regulations. *(amended 04.27.00)*

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

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

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

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

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

Article XXIV

Recreation 2 (REC-2)

I. ~~Covered Trash Areas~~: Trash Enclosures

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

~~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.~~

- ~~1. 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.~~
- ~~2. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle.~~
~~(amended 01.30.86)~~

J. Loading and Unloading.

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

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

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

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

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

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

Article XXVII

General Provisions

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 (not including a fence, see Article 27.05H) shall meet the same front and side yard setback requirements as the principal structure, as set forth in the applicable zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings (except corner and double frontage lots). A detached accessory structure on a double frontage lot must meet the same front, side, and rear setbacks as the principal structure. In the case of a corner lot, any detached accessory structure must meet the same rear and side setbacks as the principal structure and must meet the same front setback as the principal structure from any lot line that abuts a public or private road. 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. The detached accessory structures shall meet the same setbacks as the principal structure. *(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

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27.02 Buildings, Structures, and Uses

the height of a detached accessory building or structure exceed the maximum height requirement for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. *(amended 07.16.18)*

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

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

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals *(amended 11.28.85, 06.15.15)*:
 - a. On single-family residential lots, a variance may be sought to permit increased accessory building, structure or use, provided all of the following conditions are met:
 - i. The accessory building or structure is aesthetically compatible with, and constructed of the same color as the principal residential building or structure.
 - ii. The accessory building or structure, as well as the principal residential building or structure, can be accommodated on the parcel and together cover no more than twenty percent (20%) of the lot area in the Suburban Farms (SF), Suburban Estates (SE), or Suburban Ranch (SR) Zoning Districts or twenty-five percent (25%) of the lot area in the Residential 1, 2, or 3 (R-1, R-2, R-3) Zoning Districts.
 - iii. The principal residential building or structure contains at least the minimum floor area of living space as required for the specific zoning district and as set forth in the specific zoning district of this Zoning Ordinance. *(amended 07.16.18)*
 - iv. The accessory building or structure is used for the indoor storage of items that are permitted to be stored in a rear or side yard, but that could be unsightly if such were done.

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F. Building Site Grades.

1. Any building or structure requiring or having any yard space shall be located at such an elevation with a sloping grade that shall be established and maintained away from the structure so as to cause surface water to run away from the walls of the building to a natural or established drainage course. Alteration to the drainage course shall not create a drainage problem for the adjacent property owners.
2. Where there is a sloping earth grade beginning at the curb, sidewalk, or roadway, the drainage shall be established and maintained to the finish grade line at the building front. A sloping grade away from the rear and side wall of the building shall be established and maintained to a line not less than twenty (20) feet from such walls.
3. The height of the finish grade line of any building shall be generally maintained not less than eight (8) inches above the average curb or crown of the road, or at such level as may be approved in writing by the Ordinance Enforcement Officer.

G. Signs. *(amended 07.16.18)*

1. All signs shall conform to the location, size, height, number, and other standards set forth in the Orion Township Sign Ordinance, Ordinance No. 153. *(amended 02.21.06)*
2. Signs shall conform to all other applicable Township Ordinances, including the Township Building Code.
3. For the purposes of public safety, the street number of every building or structure which has an assigned street address shall be prominently displayed on a side of the building facing the street. Street address numbers shall be at least three (34) inches in height on residential buildings, and at least five (54) 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.

I. Fire Protection Water Supply Standards.

For the purposes of public safety and fire protection, all buildings and structures shall have water supply for fire fighting that will provide a reasonable degree of protection to life and property in accordance with Standard on Water Supplies for Suburban and Rural Fire Fighting, ~~per current adopted fire code NFPA-1231-1975, as amended. In accordance with NFPA-1231-1975, 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.

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27.03 Yard and Bulk Regulations

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

C. Projections Into Required Yards.

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

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions; mechanical equipment (i.e. generators, heat pumps, a/c units) five (5) feet or less;
2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.
3. In rear yards.
 - a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard; window wells projecting 3.5 feet into the yard.
 - b. Decks may be permitted to project into a required rear yard when the following conditions are met: *(amended 06.15.87, 02.06.97)*
 - i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
 - ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
 - iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
 - iv. Setbacks for decks shall be measured from the leading edge of the deck surface.
4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard; window wells projecting 3.5 feet into the yard;

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:

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27.05 Landscaping, Fences and Walls

1. Location and Purpose. Entranceway structures shall be permitted in any required yard area for the purpose of indicating the entrance to a subdivision, multiple-family development, mobile home park, industrial park, office park, or similar planned development containing several buildings that are related in purpose.

Entranceway structures shall be subject to the provisions concerning corner clearance, set forth in Section 27.03.

2. Construction and Design. Any entranceway structure shall be constructed of permanent, durable materials and shall be designed so as to be compatible with the architecture of surrounding development.
3. Site Plan. Prior to issuance of a building permit for any entranceway structure, a site plan shall be submitted to the Planning Commission for review and approval. The site plan shall include an elevation drawing and a cross-section of the proposed structure. The site plan shall show the relationship of the entranceway to the right-of-way of the intersecting roads and/or driveways.

H. Residential Fence and Wall Regulations.

Where permitted or required in this Ordinance, fences and walls in residential districts shall be subject to the provisions set forth in this section:

1. ~~Lot line fences/walls.~~ ~~Lot Enclosures.~~ Fences and walls located on any lot line used to enclose a lot shall not exceed ~~be no higher than~~ four (4) feet in height ~~and shall be located on the lot line.~~ ~~If a 4-foot fence is proposed not on a property line, it must then meet the setback and landscape (in the case of a double frontage or corner lot) requirements of a fence taller than 4 feet.~~
2. Privacy or Decorative Fences and Walls ~~(taller than 4 feet).~~ ~~Fences and walls erected primarily for privacy or decoration shall not be located within any required yard setback area and~~ The fence/wall shall not exceed six (6) feet in height. ~~The fence/wall shall meet the same front yard setback as a principal structure but at no time can it be closer than the leading edge of the principal structure.~~ The fence/wall must be at least 10 feet from any side or rear lot line. ~~The area between the fence and property line must be maintained by the property owner in compliance with any and all property maintenance ordinances. On a double frontage or corner lot, the 10 foot area between the fence and the property line that abuts a road shall be landscaped with (?).~~
3. Corner Clearance. No fences or walls shall be erected, established or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 shall be complied with.
4. ~~Large Lots Excluded.~~ ~~Fences and walls shall be excluded from the provisions of this section if such lots have an area of more than two (2) acres, have frontage of at least two hundred (200) feet, and are not part of a recorded plat.~~
5. ~~4.~~ Fences Enclosing Public Areas. Fences, walls or other protective barriers that enclose parks, playgrounds, or other public landscaped areas shall not exceed ten (10) feet in height. The Planning Commission may authorize a fence, wall, or protective barrier of additional height, with or without barbed wire, where necessary, to protect public utility or municipal installations in a residential district.
6. ~~5.~~ Wall Specifications. Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade. The foundation shall be at least four (4) inches wider than the wall to be erected.
6. Fence Specifications. Fences constructed of chain link, wood, vinyl or other similar materials are permitted. Posts shall be sunk into the ground at least three (3) feet. ~~The "good side" of the fence must face out, away from the property installing the fence.~~

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7. Before installing a fence, an application for a zoning compliance letter must be submitted and approved by the Planning & Zoning Department to verify that the proposed fence meets all the requirements of this ordinance.
8. Barbed Wire Prohibited. Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings. |

provided. However, the ZBA may decide to re-hear a previously determined matter upon submission of an application with new evidence within thirty (30) days of the original decision.

H. Valid Period of ZBA Actions.

1. Permit to Construct.

~~No order~~ of the ZBA permitting the erection or alteration of a building, including granted variances, shall be valid for ~~a period longer than~~ one (1) year from the date of such order. ~~A, unless a~~ building permit for such erection or alteration must be obtained within ~~such~~that period or the order expires and becomes null and void, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The Planning & Zoning Director may grant one 1-year extension beyond the initial expiration date. Any additional extension must be heard and approved, by application, to the Zoning Board of Appeals.

2. Use Permit.

No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year from the date of such order unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Section 29.04 – Enforcement Officer

A. Appointment by Township Board.

The provisions of this Ordinance shall be administered and enforced by the Orion Township Board through the Zoning Ordinance Enforcement Officer (hereafter called Enforcement Officer), and such other employees, inspectors, and appointees as the Township Board shall determine. In carrying out their designated duties, the Enforcement Officer and assistants shall not make changes in this Ordinance or vary the terms of this Ordinance.

The Enforcement Officer, as well as others involved with the administration and enforcement of this Ordinance, shall be appointed by the Township Board, upon the recommendation of the Township Supervisor, for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.

B. Jurisdiction and Duties.

The Enforcement Officer, and such deputies or assistants as shall be duly appointed, shall enforce this Ordinance and any additions thereto, and in furtherance of such authority, shall perform the following functions:

1. Record of Nonconformities.

The Enforcement Officer, and such assistants as shall be duly appointed, shall make a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance.

This record shall be updated as conditions affecting nonconforming status change. The original copy of the record of all nonconformities shall be filed with the Orion Township Clerk. Other copies shall be kept in the Building Department, the Assessing Department, and the office of the Township Supervisor.

2. Maintain Records of this Ordinance.

The Enforcement Officer shall have possession of and maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications.

3. Provide Information.

30.00 Purpose**Section 30.00 – Purpose**

The purpose of this Article is to describe the procedures and standards with regards to the following administrative functions:

Special Land Use
 Site Plan Review
 Variances
 Appeals
 Zoning Ordinance Amendments
 Building Permits
 Certificates of Occupancy
 Fees
 Violation and Penalties
 Nonconformities
 Performance Guarantee
 Records
 Planned Unit Development

Section 30.01 – Site Plan Review Procedures and Standards

- A. Intent. These site plan review procedures and standards are instituted to provide an opportunity for consultation and cooperation between the applicant and the Planning Commission so as to achieve maximum utilization of land with minimum adverse effects on adjoining property. Furthermore, it is the intent of these procedures and standards to allow for review of site plans by the Planning Commission, to provide a consistent and uniform method of review, and to ensure full compliance with the standards contained herein and other applicable local ordinances and State and Federal laws.
- B. Applicability. Submission of a site plan shall be required in conjunction with any of the following (*amended 06.15.15*):
1. Any use or development for which submission of a site plan is required by provisions of this Ordinance.
 2. An application for a building permit, except for a detached single-family house and/or buildings or uses accessory thereto.
 3. Any addition to an existing principal or accessory building wherein the proposed addition constitutes an increase of ten percent (10%) or more as compared to the existing building or use. This shall exclude single family homes and accessory buildings. The following uses or site alterations listed in Table 30.01B shall require a site plan submittal:

TABLE 30.01B

PROJECTS REQUIRING A SITE PLAN	
•	New buildings or principal uses except as otherwise excluded
•	Wireless Communication Facilities
•	Public utility or essential service buildings
•	Non-residential uses permitted in single-family districts such as churches, private schools and public facilities
•	New parking lots or changes to existing parking lots which involve an area which is six thousand (6,000) sq. ft. or 10% or more of the existing parking lot
•	Major landscape changes
•	Major changes to driveways or internal roadways
•	Extensive grading, filling or excavation (unless otherwise regulated under Ordinance 99, Earth Balancing and Excavating)

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

• Buildings containing two (2) or more dwelling units
• Planned Unit Developments (Subject to Section 30.03)
• Any principal use involving outdoor sales, or outdoor displays greater than 1,000 sq. ft.
• Any condominium development (Subject to 30.01G)

If the **Building Department Planning & Zoning Department** determines that a site plan is required, an applicant may request that this determination be referred to the Planning Commission for their review. The Planning Commission may consider a request for an administrative review and determine that an administrative review in accordance with Section 30.01D is acceptable and that it meets the criteria for minor modifications as identified in Section 30.01D.

C. Procedures and Requirements. The site plan must be submitted in compliance with the following procedures and requirements:

1. **Applicant.** The owner of an interest in land for which site design approval is sought, or the designated agent of the owner, shall file the application for site plan review with the Township. *(amended 05.18.09)*
2. **Issuance of Building Permit.** A building permit shall not be issued until the submitted site plan is approved in accordance with the procedures and standards set forth herein.
3. **Application Forms and Documentation.** The application for site plan review shall be made on such forms as shall be prescribed by the Planning Commission. The application shall be accompanied by the necessary fees and documents as provided herein. *(amended 05.18.09)*
4. **Site Plan Review Fees.** Site plan review fees shall be established by resolution of the Township Board and set forth in the Township fee schedule.
5. **Pre-Application Conference or Planning Commission Review.** In order to facilitate processing of a site plan in a timely manner, the applicant is encouraged to request a pre-application site plan conference. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. No formal action shall be taken on a site plan at a pre-application conference. There shall be no fee for a pre-application conference. An applicant shall also have the option of a brief review by the Planning Commission, subject to the availability of time on the agenda as determined by the Chairperson of the Planning Commission. *(amended 05.18.09)*
6. **Submission to Township.** The application materials for site plan review shall be submitted to the Township in accordance with the application data requirements set forth in Section 30.01 (E). Application materials must be submitted at least three (3) weeks prior to the next available Planning Commission meeting. In addition, the following requirements shall be met *(amended 06.15.00, 05.18.09, 05.04.20)*:
 - a. The number of copies of the site plan, as specified on the Site Plan Application, as well as an electronic copy of the same, shall be submitted to the Planning Department, as well as an original of all documents, to provide for review by the Fire Department, Water and Sewer Department, Building Department, Planner, Engineer, and Planning Commission.
 - b. The applicant shall deliver one copy of the application plus two (2) copies of the site plan to each of the following agencies:
 - 1) the Road Commission for Oakland County and/or Michigan Department of Transportation,
 - 2) the Oakland County Water Resource Commissioner's Office,
 - 3) the Oakland County Health Department,
 - 4) all applicable utility companies, including the Detroit Edison Company.

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

Proof of submission of the application and site plan to each agency shall be provided to the Township at the time of application.

7. **Planning Commission Consideration.** *(amended 05.06.99, 05.18.09)* After all application materials have been received and review fees paid, the application shall be reviewed in accordance with the following procedures:
 - a. The application shall be placed on the agenda of the next available Planning Commission meeting, unless otherwise exempted under the provisions set forth in Section 30.01 (D). The Planning Commission staff shall also coordinate the need for, and if applicable schedule a site walk with the Site Walk Committee of the Planning Commission.
 - b. A site plan shall be reviewed in relation to applicable standards and regulations, and to identify revisions necessary to bring the site plan into compliance. If the Planning Commission determines that revisions are necessary to bring the site plan into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised site plan. Following submission of a revised plan, the site plan shall be placed on the agenda of the next available meeting of the Planning Commission for further study. *(amended 01.16.86)*
 - c. If, following review of the site plan at a regular meeting, the Planning Commission determines that the site plan is substantially in compliance with applicable standards and regulations, the Planning Commission may take formal action on the plan.
8. **Applicant Representation.** The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.
9. **Planning Commission Determination.** The Planning Commission shall review the application for site plan review, together with the reports and recommendations from the Enforcement Officer, Water and Sewer Department, Township Planner, Township Engineer, Township Fire Chief, the Road Commission for Oakland County, the Oakland County Health Department, the Oakland County Water Resource Commissioner's Office, appropriate utility companies, and the Michigan Department of Transportation, where applicable. The Planning Commission shall then make a final determination based solely on the requirements and standards of this Ordinance. The Planning Commission is authorized to grant approval, or disapproval as follows *(amended 08.06.07, 05.18.09)*:
 - a. Approval. Upon determination of the Planning Commission that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted. Approval shall be indicated on the site plan, and one copy shall be provided to the applicant.
 - b. Denial of Approval. Upon determination of the Planning Commission that a site plan does not comply with standards and regulations set forth in this Ordinance (e.g., requires a variance from the Zoning Board of Appeals), or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied. In this case, "Denied" shall be written on the site plan and the reasons for denial shall be indicated, and one copy shall be provided to the applicant.
10. **Recording of Planning Commission Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission. The grounds for the action taken upon each site plan shall also be recorded in the minutes. After all steps in the site plan review process have been completed, ~~three (3) a~~ copies of the site plan shall be marked by the Planning Commission staff for the following distribution *(amended 05.18.09)*:
 - a. One (1) electronic copy shall be returned to the applicant, ~~along with a written transmittal of the grounds for action and/or conditions of approval.~~
 - b. ~~One (1) copy shall be forwarded to the Township Building Department.~~
 - c. One (1) copy shall be retained in the Planning Commission files.

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

11. **Completion of Site Design.** Upon final approval of the site plan by the Planning Commission, a building permit may be obtained, subject to review and approval of the engineering plans by the ~~Building Department~~Township Engineers. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit. If ~~a building permit~~construction has not ~~been issued~~commenced within one (1) year ~~of approval~~, the site plan approval becomes null and void and a new application for site plan review shall be required. Construction must be completed within two (2) years of approval, unless a longer time period is requested by the applicant at the time of site plan review. The applicant may request one 1-year extension of the site plan approval which may be approved by the Planning & Zoning Department. Any additional 1-year extensions must be granted by the Planning Commission.~~apply to the Planning Commission for a one (1) year extension of the site plan approval. Additional one (1) year extensions may also be granted at the discretion of the Planning Commission.~~ (amended 05.18.09)
12. **Maintenance of Site.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval has been obtained. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate to such a use violation.

D. **Administrative Review for Site Plans Involving Minor Modifications.** Administrative review, may be required instead of Planning Commission review for site plans that involve minor modifications. (amended 06.15.15)

1. **Minor Modifications.** For the purpose of this section, minor modifications shall include proposed alterations to a building or site that do not substantially affect the character or intensity of the use, vehicular or pedestrian traffic circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. The following uses or site modifications listed in Table 30.01D may be considered for Administrative Review:

TABLE 30.01D

PROJECTS ELIGIBLE FOR ADMINISTRATIVE SITE PLAN REVIEW
• Changes to building height that do not add an additional floor.
• Minor additions or alterations to the landscape plan or landscape materials.
• Relocation of the trash receptacle, dumpster.
• Minor alterations to the internal parking layout of an off-street lot.
• An increase in total floor area up to ten percent (10%) of the existing total floor area.
• Fences located on non-residential properties subject to submittal of a boundary survey if required by the Building Department.
• Outdoor sales or outdoor displays less than 1,000 sq. ft.
• Alterations that would result in a decrease of total floor area.

The ~~Building Official~~Planning & Zoning Director shall determine if the proposed modifications on a site plan are minor in accordance with these guidelines. If the modifications are not deemed minor by the ~~Building Official~~Planning & Zoning Director, then review and approval by the Planning Commission shall be required. Planning Commission review shall be required for all site plans that involve a request for a variance, a special land use request, or a proposal that involves a discretionary decision. (amended 05.18.09)

2. **Application Requirements and Procedures.** The application requirements and procedures for administrative review of site plans shall be the same as for Planning Commission review, as outlined in this section. However, the ~~Building Department~~Planning & Zoning Director may waive selected information requirements contained in this section depending upon the scope of the project and type of site improvements. For smaller scale projects and minor expansions or changes in use, less detailed information may be submitted than a full site plan. The level of information is intended to be proportionate to the extent of the change, yet insure adequate review for compliance with applicable standards.

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

3. **Submission to Review Agencies.** The ~~Building Official~~Planning & Zoning Director may request that review agencies or professionals, including the Fire Department, Water and Sewer Department, Building Department, Planner, and Engineer, confine their review to the proposed alterations only, rather than review of the entire building or site layout. *(amended 05.18.09)*
 4. **Enforcement Officer Review.** The Building Official shall review each site plan that has been submitted for administrative review, together with any reports and recommendations submitted by review agencies or professionals. The Building Official shall then make a preliminary determination based solely on the requirements and standards in this Ordinance. *(amended 05.18.09)*
 5. **Planning Commission Determination.** If required, following receipt of the recommendations from the Building Official, the Planning Commission shall consider and act upon the site plan at their next available meeting. The Planning Commission shall then make a final determination based solely on the requirements and standards in this Ordinance. The Planning Commission is authorized to grant approval, or disapproval, in accordance with the standards set forth in Section 30.01 (C)(9). *(amended 05.06.99, 08.06.07, 05.18.09)*
 6. **Recording of Planning Commission Action.** Each action taken with reference to a site plan review shall be duly recorded, and copies of the site plan shall be distributed in accordance with the provisions set forth in Section 30.01 (C)(10).
 7. **Completion of Site Design.** After completion of administrative review and approval of the site plan, a building permit may be obtained, subject to review and approval of the engineering plans by the Township Engineer and review of the construction plans by the Building Department. All other requirements for completion of site design as set forth in Section 30.01 (C)(11) must be complied with.
- E. **Application Data Requirements.** The following data shall be included with, and as part of, the site plan submitted for review and approval:
1. **Application Form.** The application form shall contain the following information:
 - a. Applicant's name and address.
 - b. Name and address of property owner, if different from applicant.
 - c. Common description of property and complete legal description.
 - d. Dimensions of land and total acreage.
 - e. Existing zoning and zoning of all adjacent properties.
 - f. Proposed use of land and name of proposed development, if applicable.
 - g. Proposed buildings to be constructed.
 - h. Name and address of firm or individual who prepared site plan.
 - i. Proof of property ownership.
 2. **Detailed Information.** Site plans shall consist of an overall plan for the entire development drawn to a scale of one inch equals fifty feet (1 inch = 50 feet) for property of less than three (3) acres and one inch equal to one hundred feet (1 inch = 100 feet) for property of three (3) acres or more in size. Sheet size shall be 24 inches by 36 inches, unless approved otherwise by the Planning Commission. The following information shall be included on all site plans, where applicable: *(amended 09.17.01)*
 - a. General descriptive and identification data, including:
 - 1) Applicant's name, address, telephone number and name of township, city or village of residence.

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

All necessary permits or approvals from applicable outside agencies shall be received prior to issuance of any building permits by the Township.

- i. The Planning Commission may require review of final condominium documents, including but not limited to the Master Deed and/or Exhibit B drawings, before granting approval of the condominium site plan.

4. Required Improvements.

- a. All design standards and required improvements that apply to a subdivision, under Ordinance No. 27, Subdivision Regulations, adopted by the Township Board, shall apply to any condominium development.
- b. Each condominium unit shall be connected to an approved water and sanitary sewer system. Utility standards stated in Building Code shall apply to all condominium units proposed for location on any property that is not subdivided and recorded, or any property that is to be further subdivided.
- c. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer: cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Planning Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

- d. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall declare easements to the Township for all public water and sanitary sewer lines and appurtenances.
 - e. All improvements in a site condominium shall comply with the design specifications as adopted by the Township and any amendments thereto.
5. **Information Required Prior to Occupancy.** Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Building Department:
- a. A copy of the recorded Condominium Documents (including exhibits).
 - b. A copy of any recorded restrictive covenants.
6. **Revision of Site Condominium.** If the site condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.

Minor modifications may be approved administratively by the ~~Building Official~~**Planning & Zoning Director**. Minor modifications shall include proposed changes which do not affect the character or intensity of the site, vehicular or pedestrian traffic, drainage patterns, or the demand for public services.

30.01 Site Plan Review Procedures, Standards & Condominium Requirements

The ~~Building Official~~Planning & Zoning Director shall determine if the proposed modifications are minor and in accordance with these guidelines. If the modifications are not deemed minor by the ~~Building Official~~Planning & Zoning Director, then review and approval by the Planning Commission shall be required.

7. **Amendment of Condominium Documents.** Any amendment to a Master Deed or bylaws that affects the site plan, or any conditions of approval of the site plan, shall be reviewed and approved by the Township Attorney and Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the Master Deed or bylaws require corresponding changes in the site plan.
8. **Relocation of Boundaries.** Relocation of boundaries between adjoining condominium units, if permitted in the Condominium Documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Planning Commission. These requirements shall be made a part of the bylaws and recorded as part of the Master Deed.
9. **Subdivision of Condominium Lot.** Each condominium lot that results in a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located, and shall be approved by the Planning Commission. These requirements shall be made a part of the condominium bylaws and recorded as part of the Master Deed.

Section 30.02 – Special Land Use Procedures and Standards

- A. **Intent.** These special land use procedures and standards are instituted to provide consistent and uniform guidelines for the Planning Commission to follow in arriving at any special land use decision over which it has jurisdiction. Special land uses are uses that may be permitted in a district, but only if certain specified conditions are met, and only after review and approval by the Planning Commission. The review procedures and conditions for approval are intended to provide protection for adjacent uses and ensure full compliance with the standards contained herein and other applicable local ordinances and State and Federal laws.
- B. **Procedures and Requirements.** The following procedures and requirements shall be complied with in the review and approval of special land uses:
 1. **Applicant.** The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall file the application for special land use approval with the Township. The applicant shall also have the option of a pre-application meeting with staff and consultants or the option of a brief pre-application review with the Planning Commission prior to submittal of a formal application. The scheduling of a brief review by the Planning Commission shall be subject to the availability of time on the agenda or determined by the Chairperson of the Planning Commission. *(amended 05.18.09)*
 2. **Issuance of Building Permit.** A building permit shall not be issued until the submitted special land use and subsequent site plan review (see Section 30.01) is approved by the Planning Commission in accordance with the procedures and standards set forth herein. *(amended 10.01.07)*
 3. **Application Forms and Documentation.** The application for special land use approval shall be made on such forms as shall be prescribed by the Planning Commission. The application shall be accompanied by the necessary fees and documents as provided herein. *(amended 05.18.09)*
 4. **Review Fees.** Fees for special land use review shall be established by resolution of the Township Board and set forth in the Township fee schedule.
 5. **Submission to Township.** The number of copies, as specified on the Special Land Use Application, as well as an electronic copy of the same, shall be submitted to the Planning Department, as well as an original of all documents at least four (4) weeks prior to a scheduled Planning Commission meeting to provide for review by the Fire Department, Water and Sewer Department, Building Department, Planner, Engineer, and determine Planning Commission meeting availability. The applicant shall also deliver one (1) copy of the special land use request to each of the following agencies: *(amended 10.01.07, 05.18.09, 05.04.20)*

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30.02 Special Land Use Procedures and Standards

- d. The decision of the Planning Commission on a special land use application shall be incorporated into a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.
9. **Appeal of a Denial.** The applicant may appeal a denial of a special land use request by submitting a request to be placed on the agenda of the next regularly scheduled Township Board meeting. The Township Board shall review and may act upon any appeal of a denial made by the Planning Commission on a special land use request.
10. **Recording of Planning Commission and Township Board Action.** Each action taken with reference to special land use review, along with the grounds for such action and any conditions imposed, shall be duly recorded in the minutes of the Planning Commission and/or Township Board. After final action has been taken on the special land use request, separate copies of the special land use plan shall be marked by the Planning Commission and/or Township Board for the following distribution:
 - a. One (1) ~~electronic~~ copy shall be returned to the applicant ~~along with a written transmittal of the grounds for action and/or conditions of approval.~~
 - ~~b. One (1) copy shall be forwarded to the Township Building Department.~~
 - ~~c. One (1) copy shall be retained in the Planning Commission and/or Township Board files.~~
 - ~~d. In the case of an appeal, one (1) copy shall be marked by the Township Board and forwarded to the Planning Commission.~~
11. **Completion of Site Design.** Following approval of a special land use request and subsequent site plan review application (see Section 30.01), a building permit may be obtained, subject to review and approval of the engineering plans by the Township Engineer and review of construction plans by the Building Department. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit. If site plan approval has not been sought within one (1) year of approval, the special land use approval becomes null and void and a new application for special land use review shall be required. ~~The applicant may request one 1-year extension of the special land use approval which may be approved by the Planning & Zoning Department. Any additional 1-year extensions must be granted by the Planning Commission. The applicant may apply to the Planning Commission for a one-year extension of the approval. Additional one (1) year extensions may also be granted at the discretion of the Planning Commission.~~ (amended 10.01.07, 05.18.09)
12. **Application Data Requirements.** The application and data requirements for special land use approval shall be the same as set forth in Section 30.01 (E) for site plan review. Detailed submittal of site engineering and utility information may be waived by the Planning Commission unless it is determined to be necessary in determining the appropriateness of the special use application. Other data as may also be required by the Planning Commission, Enforcement Officer, or Township Planner to review the special use application. (amended 10.01.07)
13. **Standards for Granting Special Land Use Approval.** The Planning Commission shall approve special land uses upon determination that the proposed use will comply with all applicable requirements of the Ordinance, applicable standards for specific uses, and the following general standards (amended 10.01.07):
 - a. **Compatibility with Adjacent Uses.** The proposed special land use shall be designed, constructed, operated and maintained so as to be compatible with uses of adjacent land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - 1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.

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Brown Road Innovation Zone

6. The overall site design of residential areas shall have a focus on walkability and be consistent with the intent of the district.
7. Maximum Site Coverage: Forty percent (40%). The Planning Commission may permit a maximum site coverage that exceeds forty percent (40%) subject to covered parking, such as garage, carport, or tuck-under garages being provided for at least one-third of the parking spaces provided. A maximum site coverage of fifty percent (50%) may be approved subject to fifty percent (50%) covered parking spaces provided. In no case shall the maximum site coverage exceed sixty percent (60%).

E. Off-Street Parking.

1. Parking requirements shall be based upon the following schedule:
 - a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.
 - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
 - c. Parking requirements for industrial-related districts shall be based upon one (1) parking space per one thousand (1,000) square feet of gross floor area.
 - d. Parking requirements for residential districts shall include one and one-half (1.5) parking spaces for each dwelling unit. Additionally, parking for visitors shall also be provided at the rate of one (1) parking space for every three (3) dwelling units. *(added 06.15.20)*
2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment, and/or the level of current or future customer traffic.
3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially or recreationally zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines.
4. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop, or equivalent, as approved by the Planning Commission.
5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
6. The required setback for parking may be reduced in width or waived by the Planning Commission, subject to landscaping or screening requirements.

F. General Design Standards. All proposed development and construction within the Brown Road Innovation Zoning District shall comply with the following standards:

1. Development Patterns. Proposed development shall reflect characteristics and design features that are consistent with the Charter Township of Orion Master Plan. The intent of the District is to create a coordinated development pattern which provides a smooth transition between uses and properties. Transition may be created through coordination of building styles and setbacks, landscape buffers, and cross-access between properties.
2. A mix of industrial, commercial, and other uses is allowed as long as appropriately buffered and sited.
3. Access Management, Parking, and Loading. Overall street and/or driveway design and layout shall be an integral component of site design providing for both internal access to service the development of properties and cross-access between individual properties (Figure 34.1). Developments shall meet the access

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less. An incidental outdoor storage area which exceeds these dimensions shall be considered a special land use.

2. Outdoor storage shall be limited to the rear yard area.
3. Outdoor storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.
4. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05.
5. Outdoor storage or display within the Brown Road Innovation Zone shall be located at least five hundred (500) feet from a residentially used parcel. This includes parcels with multi-family residential use within the Brown Road Innovation Zone. *(amended 06.15.20)*
6. The outdoor storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on a sketch/site plan as approved by the Zoning Administrator. The sketch/site plan shall illustrate or specify the following information, at minimum:
 - a. The exact boundaries of proposed outside storage;
 - b. Surfacing and drainage details;
 - c. Screening details;
 - d. Layout of outside storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles.

L. ~~Covered Trash / Recycling or Compactor Areas~~ Trash Enclosures.

~~Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.~~

~~Covered-trash-receptacles, recycling-receptacles-or-compactors shall be 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.~~

- ~~1. The fourth side of the trash receptacle, recycling receptacle or compactor enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.~~
- ~~2.1. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle or compactor 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 or compactor.~~

M. Loading and Unloading.

1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.
2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.

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- 1) Incorporate parapets to conceal rooftop equipment from public view. The heights of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.
- b. Pitched Roofs
 - 1) Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.
 - 2) The average slope shall be one (1) Foot of vertical rise for three (3) feet of horizontal run.
4. Materials and Colors
 - a. Predominant exterior building materials shall be high quality material, including, but not limited to brick, stone, and integrally tinted/textured concrete masonry units.
 - b. Façade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
 - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
5. ~~Covered Trash Areas~~ Trash Enclosures

Covered trash receptacles, surrounded on three (3) sides by walls (1) foot higher than the receptacle, made of similar material as the principal structure in terms of durability, aesthetic quality, and consistency with the overall design, at the discretion of the Planning Commission, shall be provided in the rear yard of the building or principal use structure. The Planning Commission, at their discretion, may allow the placement of the trash enclosure in the side yard based on such factors as: if the side yard is an interior side yard vs. an exterior side yard which is more viewable from a main road, the distance from a road, natural screening, and sightlines. Trash enclosures should not be placed adjacent to residentially used or zoned property.

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

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

6. Screening for Mini-Storage/Warehousing

- a. Individually accessed storage doors for mini-storage facilities shall be screened from view from any public right of way. Loading and unloading areas for warehouses shall be in the rear or side yard unless modified by the Planning Commission as part of a special land use approval.
- C. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- D. The Planning Commission shall have the authority to waive or modify the standards of Section 35.03 and 35.04 upon consideration of the following:

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Vice-Chairman Gross asked, Planning & Zoning Director Girling if the conditions of the ordinance have been satisfied? Planning & Zoning Director Girling replied that the location requirements have, there is within the suggested motion the conditions which are typical conditions as the development within the building proceeds and it is monitored to make sure that it is within regulations.

Moved by Vice-Chairman Gross, seconded by Trustee Urbanowski, that the Planning Commission **grant** approval of the application, as required per Ord. #154, for PC-2021-62, Candid, Inc. for an Adult-Use Processor facility, located at 163 Premier Dr., (parcel 09-35-476-001) based on the findings of facts that the operation does meeting the following location requirements: it is located in an IP zoning district; 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 serve as a road that also serves for residential zoning.

Vice-Chairman Gross amended the motion, Trustee Urbanowski re-supported, that this is conditioned upon: that 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).

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**

B. PC-2021-65, Township Initiated Text Amendment to Ordinance 78, 2021 Ordinance Updates

Planning & Zoning Director Girling said as they had requested previously on one of her text's amendments, they were given all the pages printed out so that if they want to mark them up, they are able to follow along. A lot of these are housekeeping whenever, day to day she runs across something, sometimes they are just clerical. One was something that she wanted to get their opinion on before she puts anytime into it. Starting with all the documents they have the first one is from Article III which lists all the zoning districts within the Township and they do not have (BIZ) listed. (BIZ) is a physical district so her proposal is to list (BIZ) within there.

Planning & Zoning Director Girling on Article II on page 2-14, that the definition of a mezzanine does not match building code. She did look at another community's definition of a mezzanine and verified with the Building Official that the attached that they see is the proper definition, so, proposing to make it correct. Chairman Reynolds said that was one of the comments he had, do they really want to get into 1/3 of the floor area. He thought that if they look at the building code and it doesn't explicitly in the definition of mezzanine speak to an area. He didn't know if they just wanted to even get into referencing the building code but even just defining it as an intermediate that it is not a story but rather an intermediate floor. He asked if they care if it is 1/3 or, do they care that it meets the building code as a mezzanine because there are different avenues for that? He added that if they are just saying it is just a mezzanine why are they adding another definition on top of that by saying it is 1/3 versus just having it defined by the building code as a mezzanine. Commissioner Brackon asked isn't it restricting? Chairman Reynolds said that 1/3 could potentially be restricting but give or take is kind of the rule of thumb. He was just wondering why from a zoning perspective they would even discuss that versus to him that is a building code item. Planner Arroyo said that they know that they got the building code issue but to put it on the interpretation someone could try to stretch that and almost turn that into an entire floor by taking advantage of it that is the concern. He thought that 1/3 is pretty typical but it depends on how their building code is administered as well. He added that in his experience the 1/3 is not unusual. Chairman Reynolds said that when he looks at

mezzanine in the building code it is an intermediate level or levels between the floor and ceiling of any story. He said from a building code a story is like at the ground floor or the second floor so, it is inherently by definition it is not considered a full floor. He thought that a full area is limited from the building code it would be defined as a story. He said he was ok with it sticking to a 1/3 his comment was just defaulting back to the building code and even as you look into it further it is not contributing towards a building area or the stories it is kind of that extra in-between. He was happy to share that verbiage with them. Planning & Zoning Director Girling said that they realized if they look at how it is currently defined it already had the 1/3 but it had it backward to what it should be. She added that after she looked at other communities that had the 1/3, they had the 1/3 but they had it correctly. She felt that they just typed it wrong, let's keep it uniform with what they have had for years with the 1/3 concept and just make it correct. Again, checking with the Building Official because he is always pointing out that they have to follow building code they can't be more restrictive. She said that if he was dead set that they think they shouldn't have the 1/3. Chairman Reynolds said he looked at it as one more thing to maintain but he defaults back to if it is the building code that defines it just let that define it. Commissioner Brackon said he was confused. He stated that the way it is written for Orion it says more than 1/3 and so the word "no" is missing. Planning & Zoning Director Girling said "not more than 1/3" right is what the other communities have which is correct, so ours was wrong. Commissioner Brackon said so they have to insert that word. Planning & Zoning Director Girling said she was just going to copy what other communities had.

Planning & Zoning Director Girling said regarding Industrial Park (IP) Article XVIII. She said this is one of the ones they missed when they did their text amendment where they changed the word church to places of worship. That was a simple one making that change.

Planning & Zoning Director Girling said it came to their attention in Industrial Park (IP) they take the word "park" literally in parts of this district. She said looking at the second paragraph in Section 18 where it talks about it being a physical park. If they think about Orion Business Park which is right off of Premier Dr. that used to be one large parcel, somebody came in, it is zoned Industrial Park (IP), and they created an industrial park, they platted it and they created individual parcels. She said that the (IP) is written, it gives regulations for that road that is the main road for that park and that it has to be the measurements and the widths that they gave a 60-ft. road right-of-way, that is if they have a development a park of industrial uses. Then they can also look at an industrial park that they have at Silverbell Rd. and Lapeer Rd. which is Ashley Orion Commerce Center across from the landfill on Silverbell Rd., two very large industrial buildings with a number of users within the building but there are two buildings. That is one owner that has two buildings on one parcel and that was not held to a 60-ft. wide road because it is not a park. They have used (IP) differently throughout the Township, they have it where it is truly a "park" where they have a main road and a number of parcels that are different users and then they have other ones that are an (IP) that are Industrial Park uses but they are not a park they are just one parcel with maybe two buildings on it but they are not individual parcels. Commissioner Brackon asked if the owner called it a park but it is really not a park? Planning & Zoning Director Girling said they are not calling it a park but our zoning district is called (IP) Industrial Park so they can have and they had some parcels that are created that are (IP) zoning they are not large enough to be a park. Chairman Reynolds asked instead of reusing the idea of a park to have multi-development in (IP) can they just add something that speaks to developments of two or more buildings? Planning & Zoning Director Girling said that she tried that. She added that she has on the third line there is a 1, 2, and 3 with circles around them. 1- is talking about shall have an internal roadway with a minimum 60-ft. right-of-way, 2 – that each building or use within the complex have direct access on to the internal roadway, 3 – that the district as a whole has direct access onto an existing or proposed major thoroughfare. Planning & Zoning Director Girling said that she is suggesting that they then insert this other sheet that she gave them which says at the asterisk it would say "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 even if numerous buildings are on the parcel the requirements of one, two, and three above do not apply. She said she didn't know if that was clear, she didn't know their thoughts on it? Planner Arroyo said that was one of the things that he didn't like about this is that he thought it was the wrong location. He said this is the preamble to the district and in the preamble, they are putting regulations. He thought that they should just be describing what the district is intending to accomplish. The language that is suggested and all in the second paragraph really belongs down below in the actual section that regulates. Chairman Reynolds said that it could be bumping "C" and talk about access. Planning & Zoning Director Girling asked if it was all of the second paragraph? Planner Arroyo said yes. Planning & Zoning Director Girling said because that has regulations. Chairman Reynolds said to transition from a paragraph to bullet points of requirements. Planning & Zoning Director Girling said taken out of that section moved somewhere else as bullet points not at all in the preamble. Planner Arroyo replied right except for the fact that the first paragraph talks about development in a parklike setting it may be worth it to add a sentence to say that it reflects when numerous parcels are part of the development proposal. He added because that is really what they are saying, they are suggesting inserting when numerous parcels are intended to be developed. Planning & Zoning Director Girling said that is what makes it truly a park. Chairman Reynolds said that he doesn't like the whole idea of a park, and felt it wasn't clearly defined. He thought it would be more straightforward to speak to development as a group or grouping of unit's buildings or parcels. He thought that they should define park. He felt that the intent was it is a typical park or it is not it is when there is multiple units or parcels that need access that is when they want that when it is a grouping of two or less, they could argue that it is just one development split into two. Commissioner Brackon said that the term numerous is ambiguous and needs to be more specifically defined as to one or two or three or more. Chairman Reynolds said he thought that they needed to define park. Do they want to see that parcel that was on Silverbell have a 60-ft. access drive, or it works without it? If they take those two examples whether it is units, buildings, or parcels they are just trying to maintain access thoroughly. Planning & Zoning Director Girling said that if they were maintaining access and they were doing a division or following the ordinance it says that a road has to be 60-ft. wide. They already by the default of creating multiple parcels requiring 60-ft. road, this section was just trying to make it that park setting. Chairman Reynolds didn't know if units were the accurate word, maybe just buildings or parcels. Planner Arroyo said principal buildings or parcels. Chairman Reynolds thought that the principal would be an accurate statement because they have seen those buildings that might have an addition or a building by code that is required to be hazardous storage or something that still meets that.

Planning & Zoning Director Girling stated if they go to page 18-4, they had minimal parcel sizes which gave the minimum parcel size for the (IP) as a whole is 20-acres yet the minimum lot size within an industrial park shall be 2-acres, and that is where she went into again describing that they can have an individually zoned (IP) parcel that is only required to be the 2-acres because they have parcels that are zoned (IP) that are not 20-acres and they are not in a park. Chairman Reynolds said don't use the word park, and even state multi-unit development or multi-lot development and just state development of three or more. If it is two or fewer buildings or lots then that requirement does not apply.

Planning & Zoning Director Girling stated on page 18-5 (I) Covered Trash Area. She noted that they have tossed around whether a trash area should only be required to be in the rear or there could be some criteria where it is allowed in a side yard. She wrote it as "The PC may also allow in a side yard if not adjacent to residential and screened to Planning Commission satisfaction". She said that she heard some comments on maybe they should allow the garbage dumpsters to be somewhere besides the rear. She didn't know if they wanted to straight out allow it or leave it like it is. Chairman Reynolds said he thought that their ability to

waive does need to be added in an ordinance because there are many parcels including the new Township Hall. They have a 77-acre site and if they really put that in the rear yard they are in the woods. Where it is in the side yard or where it would want to be in the side yard is still 450-ft. from the road. He added that the project that they saw the other day the street frontage could be argued as a side yard even though defined by the ordinance it is the front. He thought that they needed to come up with some language to make it waivable. Planning & Zoning Director Girling said that they are trying to get away from the word waive, and motions to waive. They are trying to come up with a list of criteria that if they meet, they can do it versus here is your regulation, however, we will let you waive it and not give any specific reason why. This was to start a conversation she will try to come up with things if they have any ideas on what they think would be those ideas. What she didn't get to in time was to go out to other communities see if she could she could come up with some of those. Planner Arroyo said that they may want to start treating interior versus exterior side yards, so if someone wants to put in an interior side yard this would be the criteria if it is exterior which means it is facing a street then it might be more like a distance from the road or there is natural screening in place that shields it. He thought that they needed to treat them a little bit differently because an interior side yard with a similar use may have less restrictive conditions versus an exterior where it could be seen by more people from the street, they want to be more careful and have a greater level of scrutiny. Chairman Reynolds said for him it would be sightlines, so whether that is provided via a significant setback distance allowing it because it is on a corner parcel of what could be conceived as the primary view or elevation of the building and then grade, it would be in the side yard and then also it is 20-ft. down from the road, and thought that those were all conditions to consider. He asked if a covered trash area was truly the proper terminology versus enclosure? He said covered trash kind of intends that it is a roofed area versus a shielded from view. Also, they are explicatively saying a masonry brick type wall, he didn't care if it is CMU that is nice or even if it is metal and goes with architectural features of the building. He thought that as they update this section and pull in the others to say trash enclosure because there are even prefab structures, fencing that is nice looking versus requiring everyone to do a brick enclosure, he felt there were other ways. He thought that the other term would be architectural is the right word, permanent, or some other verbiage. Planner Arroyo said that he would say similar material in terms of durability aesthetic quality and consistency with the overall design of a principal structure.

Planning & Zoning Director Girling said in Section 27.02 (A)(5) page 27-10 they get into detached accessory and say setbacks and everything related to residential they never come out and say that a detached accessory structure and a non-residential have to meet the setbacks of the principal. She suggested putting it in there so it removes any questions. She said on page 27-15 (G)(3) – signs they were saying that street address numbers be at least 3-inches in height on residential and at least 5-inches in height on non-residential. She said she was corrected by the Building Official that the building code says it has to be 4-inches for both and they can't be more restricted, so she was going to change both to 4-inches.

Planning & Zoning Director Girling referenced Basement Residency she knew that people can have a bedroom in the basement but they mean a separate residency. She also pointed out if they look at the attached when she ran it past the Building Official that he liked the definition of a basement residency or the regulations on a basement residency that another community had which she had attached. Commissioner Brackon asked if this meant separate family type residency as opposed to a family member type residency? Planning & Zoning Director Girling replied correct; they can have it if they have a window well, they can have a bedroom in the basement but that does not make it a separate residency. They can't have someone else that their home is completely in their basement. Planner Arroyo said it can't be an accessory dwelling unit. It would be called an accessory dwelling unit if they had a kitchen and a bedroom in the basement with a different family living there. In this instance, they are basically just

saying a family member can live in the basement. Commissioner Brackon didn't understand the purpose of restricting basement residency. Planning & Zoning Director Girling replied that single-family is not multi-family so they are not supposed to have more than one family so they are not supposed to have a residency in their basement. Planner Arroyo said that a lot of communities are looking at accessory dwelling units and allowing them so that they have a place for their aging mother or mother-in-law. Chairman Reynolds said to him it is just another item under an accessory dwelling, so why call out basement residency in general provisions versus isn't it an accessory dwelling with the primary structure. Planning & Zoning Director Girling said that basement residency has been in the ordinance forever. She said as she read this, she thought it was saying that they couldn't have a bedroom in the basement. Secretary St. Henry said so basically it says a community does not want multiple families living in a residence. Chairman Reynolds said it is trying to clarify the difference between a single-family home and a multi-family home. He added that this definition they are getting here is an example would be when they get brownstones and walkups that is how it is explicitly called out. He didn't know if they rework just accessory dwelling, he knew they have talked about in that they primarily focus on accessory buildings in the sense that an apartment building above a garage cannot be rented out it can be used for family. They are not creating a separate unit in the basement. He thought that they just need to look at both of those together. Planning & Zoning Director Girling thought that this could go away if they look up definitions look up family, family defines what family is. When they say single-family home then they default back to the definition of family, which already covers it. She added that the basement isn't the concern it is that they another not family living with them that they can segregate their living quarters and make it be multi-family basically. Chairman Reynolds said what he is saying is to add to accessory dwelling to include attached or detached structure whether it is on a single floor or multi-floor that it should never be a separate dwelling unit unless it is multi-family zoned. Vice-Chairman Gross asked how does this impact an Airbnb? Planning & Zoning Director Girling said that the law may change. Planner Arroyo said that an accessory unit is really different from multiple-family even if there is a separate family in there because typically a multiple-family by most ordinances is three or more units, it is a two-family with two. A principal dwelling with a smaller accessory unit is usually not considered to be a duplex or a multi-family because usually there is a restriction it is supposed to be very small in relation to the principal and it is intended to allow for minimal occupancy of a smaller size. He did think that the basement residency section could come out because he didn't think that they had to say that because it is already regulated by what defines the unit and family. He said that they could define an accessory dwelling unit and if they don't want to allow them, they could just say that accessory dwelling units are not permitted and then that would take care of it. Planning & Zoning Director Girling asked as a whole combine what they said? Chairman Reynolds said yeah, streamline the definitions and make sure that it is covered elsewhere that kind of addresses this comment without explicatively calling it out. Secretary St. Henry asked if they could say that accessory dwelling units are not permitted? Planner Arroyo said they can and they need to define what that it is if that is what they want to do. Commissioner Reynolds said right now accessory dwelling unit can only be a family member or relative it cannot be a rented unit. Planning & Zoning Director Girling said there are some grandfathered throughout the Township. Commissioner Reynolds said that they cannot build a carriage house and go rent a two-bedroom unit behind their house to someone else that is not their family or relative. He added to Planner Arroyo's point that is one comment of having different housing opportunities in the Township and have a more price-pointed thing. Trustee Urbanowski said that she has seen a couple of things recently but pole barns are being built. Commissioner Reynolds said the same thing that it is all an accessory to the principal dwelling. Planner Arroyo said in California passed state legislation where all municipalities in all single-family districts accessory dwelling units are permitted.

Planning & Zoning Director Girling under the same section I. Fire Protection Water Supply Standards. She said that this paragraph has been there forever. She checked with the Fire Marshal and he said that is way out of date, so she is changing it to the correct reference because it was completely wrong. Chairman Reynolds asked if they could say the currently adopted fire code, and then they issue a sheet of what is currently adopted versus amending text? He added that there are other ordinances that just say to the applicable current fire code or adopted fire code in the community and then there is a single sheet that says that they have this code, and then they are not amending this section when the Fire Marshal says now, they have adopted "XX" ordinance. Planning & Zoning Director Girling said that is what it says per Ordinance #176 and or the currently adopted fire code. Chairman Reynolds said just strike the ordinance of whatever they have adopted to that way it is a little more future proof. Planning & Zoning Director Girling said so per the current ordinance and currently adopted in case the ordinance number changes. Chairman Reynolds said when they go adopt a new MFPA then are they going to catch this section again, probably not.

Planning & Zoning Director Girling said on page #27-16 she always looked at the fact that they talk about that this is a section of the ordinance that goes into projections. If you have a 10-ft. side yard setback it says, in all yards, even though they have a 10-ft. side yard setback they can have an awning and canopy and steps 4-ft. or less all of those can hang into or project into the setbacks and she suggested window wells because they get questions on that all the time. It would be in the side, or in the rear it would not be in all yards and she would just have it be the number of feet that the Building Official suggested. She said that there is another chunk of 27-16 that has window wells with the suggested language which is in the rear yards and in the side yards and it says window wells projecting 3.5 into the yard. Chairman Reynolds asked if there is something that they add to that by definition as they do with patios versus decks, anything less so many inches above grade? He said they are talking about a window well so that it is negative in the ground. Right now, they talk about what is a deck versus a patio and if it is a patio it doesn't apply as a deck does. He asked if that would help by defining that 12 or fewer inches above grade? So that it doesn't become a projection as in an overhang, those should be negative in the ground. Planning & Zoning Director Girling questioned what he is proposing, is that they have an actual definition of a window well? Chairman Reynolds replied correct; kind of how they have patio or paver, it is something they are assuming is less than 10-inches above grade or then above that, it is considered a deck, so if it ends up being over that it is technically a building façade. Secretary St. Henry asked if egress windows were considered a window wall. Planning & Zoning Director Girling said that they have a window but in order for it to be basement they have to have that well. Chairman Reynolds said yes for egress components. He said that the egress well is the window well so he thought they needed to lock in what that is.

Planning & Zoning Director Girling referenced page 27-27. They used to have a district called Limited Industrial I and Limited Industrial II they combined it into just Limited Industrial but this section still sighted Limited Industrial I so that will just say (LI).

Planning & Zoning Director Girling referenced page 27-62. They reference the wrong section instead of 17 it should be 16.

Planning & Zoning Director Girling referenced page 30-25. She stated that she pulled the former Planner's review of Waldon Meadows, and the Planner in his review has said that if a residential neighborhood comes in and it is developed without a PUD and this neighborhood she is referencing developed as zoned they really don't have any landscape requirements. They have the typical commercial around the entire perimeter, they have the landscape preservation but they don't have anything saying one street tree, like in the PUD. If anyone were to come in and develop it in an RM-1, RM-2, & RM-3, or an (SF), (SE), (SR) neighborhood they have nothing about landscaping that neighborhood. Chairman Reynolds thought that they

should look at this when they look at residential with the Master Plan. To him it was about character and raising the bar, he could see why it is in a PUD because they are giving the other things and setting the bar but do they want to raise the bar for those (R) districts and is it just applied to when there are more than 3 buildings, lots, or units? Secretary St. Henry thought it was a great idea. He was thinking about his neighborhood when it was developed 25-30-years ago looking back on it they had to plant their own trees to start with. Planning & Zoning Director Girling said sometimes based on the number of trees that they got rid of perhaps the developer in replacing them volunteered to do it but she could not find a section that specifically says they have to do that. Planner Arroyo asked if she checked the subdivision ordinance. Planning & Zoning Director Girling said a subdivision ordinance is a plat. Planner Arroyo said that those standards apply to site condos as well. Planning & Zoning Director Girling said she thought she looked and she didn't find it, she said she would double-check that. Chairman Reynolds said that he loved the idea, to him, it comes down to beefing up their tree ordinance. Secretary St. Henry thought that it should be changed, and they should hold these developers to a higher standard. Secretary St. Henry said in Orion Woods the developer planted one tree in every yard. Planner Arroyo said that every community that he works with requires at least one tree per lot. It is probably the greatest investment they could make to enhance property value because the trees will get big and that will change the entire character of the subdivision. Chairman Reynolds said it was just leading to the Woodland/Tree Ordinance.

Secretary St. Henry asked why something like this wasn't put in place 30-years ago when these neighborhoods started to blow up all over Orion Township? Planning & Zoning Director Girling said she didn't know she was surprised that they didn't. She questioned if there was something in the Plat Act that requires something?

Chairman Reynolds said that the Tree Ordinance in general he thought that they were at the turning point where they have to look at raising the bar with that and look at it against some other adjacent communities. He added that some have become very harsh in the sense of tree replacement. He said if they want trees to be important and they want to maintain that character they have to set the bar to say this is what they want to see. So, in that sense of the tree replacement, they say "hey it is in the development area, it is not a legacy tree, go for it". For him, this is a good start but it is a bigger topic of if they say there were 1,000 trees on that parcel and they are going to develop it, there are some sort of replacement credit there whether it is something significant, or not, they have to start replacing trees. That will start forcing some of these, and they may have a lot of trees lining all of those roads plus factor in some open area, or consider starting up the tree fund.

Commissioner Gingell said she just saw a neighboring community, it just posted "time to get your tree, if you need a street tree".

Trustee Urbanowski said that Orion was just named a tree city also. Commissioner Brackon asked what that meant? Trustee Urbanowski said there were a number of parameters, they have to apply for it, it is a national recognition, so many trees per acre of land. Planning & Zoning Director Girling said that she remembered when they were applying for that they looked for us having something in our ordinance. She added that they do but it has problems. Chairman Reynolds asked if they won it based on their current Tree Ordinance? Planning & Zoning Director Girling said from the Joint Meeting, she has to go through and make action items. She thought that Planner Arroyo was going to get a quote on working on that.

Commissioner Walker thanked the Commissioner's for their concerns regarding the trees. He said he has been after this for at least a decade, maybe longer, and this is the first time he heard from any Board that this is a prime concern of theirs.

Planning & Zoning Director Girling said moving on to page 9-7. She said that she used Office Professional (OP) as an example but it carries through to all of the districts. Under (OP) #4 is talking about parking not being closer than 30-ft. if it is adjacent to residential but 20-ft. if it is commercial. #5 talks about the surface of it, #7 talks about that it is being waived. She said that further on in the Ordinance under General Provisions and it almost goes through the same things again. She said that they say it in every district and then they say it in General Provisions. She thought that they should take the off-street parking, which they talk about the parking criteria for that one per two-hundred square feet, and then say and per 27.35 and you get to 27.35 and all of these things are spelled out. It is one line in each district as per 27.35. If they change it in one spot, they forget to change it in the other spot and then they come up with conflicting regulations. She said it was something that she wants to start looking at that they are the same in every district, and General Provisions, she didn't know if she wanted to change it yet because they are probably going to have enough text changes that maybe it will be incorporated with the changes with the Master Plan but it will take time for her to compare all of these to make sure that the General Provisions say the same things.

Planning & Zoning Director Girling asked why should a developer say they wanted to put in a doggie daycare, let me look through (GB) is it allowed, let me look through (RB) is it allowed? Why not have an alphabetical listing of all of their uses with a chart of where they are allowed? All of this keeps bring their ordinance down to not be so cumbersome. Planner Arroyo said that they need their Clear Zoning. Planning & Zoning Director Girling said that they have to get through some of these inconsistencies first. Chairman Reynolds said to Planner Arroyo's point that is like a format change. He knew that there would be little stuff that they go through and they talk about as a whole. When they look at (OP) that is one example of the complexity that is not really the best practice as they know today. He said he was all for simplifying and just saying here is a standard requirement and here are the additional requirements beyond that, explicit to that district, but not pushing it away, it is saying our format doesn't work so let's get the new format. Stuff will always have to be updated but let's get the format that their effort is within that new. Planning & Zoning Director Girling said that looking at other community ordinances she struggles with it. Chairman Reynolds said whether it is Clear Zoning or anywhere else it is the fact that they know they are really complex in conveying our ruleset. Even if it is simplified and someone overhauls this it's whatever it is it is going to have live links. He said he is not doing codes via codebooks anymore he is doing it via web browsers with sections and searching keywords. He thought that either way that would be addressed. Planning & Zoning Director Girling said that they need to get to something way beyond where they are. Planner Arroyo suggested trying to fix inconsistencies, keep the format the way it is until they make a huge format change. He said if there are problems with consistencies from district to district, if something got amended the wrong way or should be worded differently, he thought that made sense versus moving it. He thought moving it would be something they would do as part of an overall format change.

Planning & Zoning Director Girling said she knew when they did Schedule of Regulations for those of that were here, they talked about completely getting rid of Schedule of Regulations because the regulations were in each district. The Chair at the time had said, in the industry, the Schedule of Regulations is a section and they would be lost without it. The vote was, even though it was being redundant that it was to stay. She agreed with Planner Arroyo to start that comparison find where they don't match, work through those and see how far they are then to see what they do, whether they add a notation or revamping the whole thing. She said it became more apparent when they got a new Planner, he would point out things because he is looking at it from a naked eye.

Planning & Zoning Director Girling said that on page #9-8, she was pointing out the lighting regulations within (OP), the say thing, they have a General Lighting Provision later on. They have loading and unloading, the same regulations are under General Provision.

Planning & Zoning Director Girling said page #27-28, again, just a general analysis. She said she looks at this and if she was a developer, they have General Landscape where they have a mixture of evergreen and deciduous trees, (1) tree for every 3,000-sq. ft., and then down somewhere else there is a (1) tree per 30 lineal feet. She questioned if it was an addition to this or does this count towards this? She said there are so many buckets that, again, it is what do they want to say, it is almost like scratching it all taking the best of all of it, bullet pointing it, and making it so that they don't read it. They look at the plans and they say that they don't have a clear plan, no wonder they don't have a clear plan.

Planning & Zoning Director Girling said landscape, trees, tree preservation, and landscape as a whole. Chairman Reynolds said that landscape was clearer to him than trees as, with meeting their intent, to where if he thinks there is an order of magnitude of not having a regulation that meets their goals. Landscaping to him do, trees don't. That to him is a more confusing section. Whether they bite both off at the same time, depends on how much time they have. Planning & Zoning Director Girling asked Planner Arroyo what were his thoughts? Planner Arroyo thought that they both needed to be addressed. He said that they don't need to be addressed in the same amendment necessarily but they should both be addressed. Chairman Reynolds agreed that they bounce around but thought that the goal here, even if there is a way to simplify the language, is that if they had a big building and not a whole lot of parking or a lot of parking in a small building there is still those ratio's, at some point those are going to overlap. He said he creates a chart when he submits a site plan approval to say here are your requirements I meant or exceeded them, or if it is in question, he has checked these boxes. Planning & Zoning Director Girling said that she was used to looking for those criteria versus her just reading the words. She added that if they have someone that is used to preparing the plans that might be as clear as anything, but she had trouble when she tries to read it literally.

Planning & Zoning Director Girling said that the text amendments that they have agreed on, she will make the changes get them ready so they know that is what they are going to do, work on some of the language.

Chairman Reynolds thought that they should consider a dark sky's ordinance. What he means is that they are addressing light pollution. Maintaining a rural community in some ways and tree character, there are provisions as it started to develop, even from an energy code requirement to say lights are dimming after a certain time. He thought it would be ok to speak to some of those things. Planning & Zoning Director Girling said that the ordinance actually says that, that they should be shut off after 11 pm. Chairman Reynolds said that there is a whole other layer to that now that really develops that definition. He said that there is a balance between life safety, the latest energy codes, and in Michigan are behind the latest. He added that as they walk through a building and they have occupancy sensors that could happen outside too. He thought it was just something that they might consider moving forward as a raise the bar ask for with some of these developments.

Chairman Reynolds said it was a lighting standard in many communities where it comes up. Planning & Zoning Director Girling said as she started to look through that was one of the sections that she didn't have time for because it talked about the type of tubes, and she knew it was way out of date but she didn't know what wasn't. She added that she didn't know what to propose and didn't have time to research that, she will put it on her list.

Chairman Reynolds said that this was just a provision to say, and he didn't remember off the top of his head how and where it applied but was building upon the after 11 pm the lights go out. He thought it would start to occur just from a code standard, energy conservation, but it is used in other communities especially ones that are out of the central core of a region. He said as they get to the north side of it, they don't want to see a development with a crazy big sign but those lights are still going to exist, there is a way to check that box without having light pollution at night. Planner Arroyo said that they have done a lot of ordinance work in that area. Planning & Zoning Director Girling said that she has within her budget text amendments where the Planner assists. She added that finding (BIZ) not listed are her but when they get into Tree Ordinances and Lighting that is where she is starting to work on the budget for next year. She said maybe there is a list that they are able to come up with of that is more involved, come up with that list, come up with an estimate and then incorporate it within her budget. She had the budget dollars this year but they have been busy working on Master Plan. She thought that they need to utilize that. Chairman Reynolds thought that they needed to talk seriously about format change and what is their priority list.

Chairman Reynolds asked if they could get the application for the Tree City? He wanted to request that from Park & Recreation Director Whatley so they have a background, what is the provision, what is defined as a tree city? He thought they should look at fellow tree cities in their region or looking at some of their neighboring community tree ordinances. He thought that Rochester Hills has a different ballgame than the ballgame they play here. Planning & Zoning Director Girling said when she brought other tree information, she was told they are not other communities. She said she is trying to bring other ones, not to say they are right but just to see. Chairman Reynolds stated that he didn't want to duplicate another community but thought it would be interesting to look at some of these other levels of asks and how people have addressed them. He added that not everyone takes an approach of it is in the development and they are good, they say, sorry we love our trees and you have to figure it out or contribute to a tree fund. He thought it was not just for a text amendment but rather their bigger discussions of Woodlands, Master Plan, and all of that. He thought it would be helpful to pull a couple if Planner Arroyo has a few good or bad examples. Vice-Chairman Gross said that there is litigation on trees in Canton Township right now that is in the Court of Appeals it could change a lot relative to how communities can regulate tree ordinances. Planning & Zoning Director Girling asked if they should put this in the backseat pending what the outcome of that is? She asked why work on a text when they are going to find out that they end up with something that preamps them? Chairman Reynolds asked what was the background? He asked can they do anything they want or the city has no say? Planning & Zoning Director Girling thought that they had a restriction on cutting the number of trees and somebody challenged it who was a forester to be able to clear-cut. Commissioner Brackon didn't think that they wanted to wait because if they go to the Supreme Court that could be 4 or 5 more years. Chairman Reynolds said he was looking for what do they want to see. He said he was looking for the consultants to come up, they have heard their thoughts, this is how your Zoning Ordinance needs to change. He stated that the Zoning Ordinance right now doesn't fit some of these visions they have for their community. He asked do they want to start moving away from clear-cutting a site? Whether there is legal action underway and does it tie into corridors, density, and all of these other conversations that they having. Planning & Zoning Director Girling said that they have sat there and said that each individual district has got more than it needs, they don't like the tree section, the lighting is out of date, they looked at a fire code reference that was out of date. She questioned if they look at it and, do they dissect it, or do they just say build new? Secretary St. Henry asked has there been instances where the Township has taken advantage of the Tree Fund and has done something with it? Planning & Zoning Director Girling said that they don't have it. Chairman Reynolds said they speak to it in the ordinance but they don't have a tree fund established. They have always pushed development to resolve it within its site. He added that the reason that a tree fund comes about a lot of times is, they are raising the bar so high

that if they are going to develop there is some type of contribution towards a fund that supplements elsewhere like buying wetland credits, it is just on a local level. He said he wasn't aware of all of the legal discussion occurring elsewhere but that might be part of it, when the bar is set so high there has to be another avenue because it is feasibly not possible to develop this site, met the tree ordinance and move forward. Secretary St. Henry asked if they were confident that in the past that the developers have actually addressed the situation within their site, or do they feel that overall, more often than not that they have lived up to what they have agreed to on their site? Chairman Reynolds replied that he didn't think it was a matter of whether they have been withheld to what their current requirement is. Based on being involved in the Township on a daily basis, having a Planner that brings home the ordinance and reads it for fun, he thought that they have been withheld to the standard of what they have asked them to do. He said moving forward difficult challenging sites, mass grading, and removing a lot of trees is a very real component. He asked do they need to raise the bar? He thought that they have withheld that standard but thought that they should bring the standard up another step because they are now to their last 20%. Planning & Zoning Director Girling said that how she had summarized it if they remember the one meeting, she brought and they said let's talk about it because if you read it, it conflicts itself it can be read in multiple ways. She added that through the years she did believe that it has been read multiple ways, and the developers were held to the way it was read. She would reach out to the Engineer, to find out what the Planning Commission did for years that she wasn't here. She said it wasn't that developers got away with things it was the way that the ordinance was read at the time. She said they looked at it, and they all looked at it differently too, which brought up that they need to rewrite this because it is not clear. If they are going to rewrite it let's write it the way that want.

Secretary St. Henry said this is the perfect time to up the ante and change it. Chairman Reynolds said right now they say they are going to come in and develop the site and if they have the development area, and they say here is the building footprint it all goes away. Secretary St. Henry stated that they are all on board that it is time to up the ante on Tree regulations, let's do it. He said to clear up the ordinances and the verbiage and let's hold them to it. Commissioner Walker said that he didn't think that the past is as important as the future, so what they did in the past was done, now let's see where they go now.

8. UNFINISHED BUSINESS

PC-2021-07, 5-Year Master Plan Update

Planner Arroyo resumed the conversation from the Workshop meeting on Section 34 of the presentation.

Planner Arroyo said that Section 34 said that this was pretty straightforward. He stated that the quirky area is that NW corner where they have Office Research planned and then it is all currently zoned residential. He assumed that seemed the direction to go.

Planner Arroyo said in Section 35, still the southern portion almost the very corner. He said there were a lot of different things going on. The Master Plan calls for Research/Light Industrial in that dark blue on the left, they could see that it aligned mostly with Light Industrial and Industrial Park, so there is good alignment there. He said up in the area in red is where they have all (OP) on zoning on the right side, and then the Master Plan calls for a combination of Industrial/Commercial/Residential mixed-use and then some commercial, and some industrial. He thought that was a miss alignment here in terms of what is really zoned versus what is anticipated. It seemed that the Future Land Use plan is more intensive, in terms of, the expectations for future development. Chairman Reynolds thought that this was one of those that may be the mixed-use goes more to the commercial residential mixed use versus industrial or making sure they define the difference between those. Secretary St. Henry asked on the