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**Section 27.00 – Administrative Regulations**

A. Scope of Regulations.

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

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

B. Minimum Requirements.

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

C. Nonabrogation of Other Ordinances or Agreements.

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

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

D. Vested Right.

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

E. Severance Clause.

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

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

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

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

**G. Division of Zoning Lots.**

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

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

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

**I. Voting Place.**

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

**Section 27.01 – Nonconformities** *(amended 01.24.85, 08.16.90)***A. Intent.**

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

**B. Definitions.**

1. Nonconforming Use. A nonconforming use is a use which lawfully occupied a building or land on the effective date of this Ordinance, or amendment hereto, and which does not conform to the use regulations of the zoning district in which it is located.

a. Nonconforming uses, for the purpose of this Ordinance, include:

i. Nonconforming uses of open land;

ii. Nonconforming uses of buildings designed for a conforming use;

iii. Nonconforming uses in buildings specifically designed for the type of use which occupies them and not suitable for a conforming use;

iv. Uses which are permitted by right or as special land uses in the district in which they are located, but which do not meet special locational standards;

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

**C. Nonconforming Lots.**

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

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

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

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- c. The lot is in conformance with all other applicable yard and lot requirements.
2. Variance to Yard Requirements. If the use of a nonconforming lot requires a variation of the front or rear setback or front or rear yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals under the terms of this Ordinance.
3. Nonconforming Contiguous Lots Under Same Ownership. If two (2) or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of the Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance, and no portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

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

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

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

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

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

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

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

**F. Nonconforming Structures.**

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

1. no such nonconforming structure may be enlarged or altered in such a way that its nonconformity increases, but any nonconforming structure or portion thereof may be altered to decrease its nonconformity;
2. should such nonconforming structure, or nonconforming portion of a structure, be destroyed by any means to an extent of fifty percent (50%) or more of its replacement cost at the time of the destruction, it shall not



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thereafter be reconstructed, except in conformance with the terms of this Ordinance in the district in which it is located;

3. should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of this Ordinance in the district in which it is located after it is moved.

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

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

**H. Repairs, Maintenance, Improvements, or Modernization of a Structure Not Associated with a Nonconforming Use.**

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

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

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

**27.01 Nonconformities****J. Nonconformities Under Construction.**

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

**K. Administrative Nonconformities.**

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

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

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

**M. Special Exceptions.**

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

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

1. An accessory building, structure or use shall not be located on a parcel unless there is a principal building, structure, or use already located on the same parcel of land.
2. An accessory building or structure shall not be constructed prior to the commencement of construction of the principal building or structure or the establishment of the principal use.
3. A building, structure or use which is accessory to a single-family dwelling and attached to it shall, for the purposes of location and setbacks, be considered part of the principal building.
4. A building, structure or use which is accessory to a single-family dwelling and detached from it (not including a fence; see Article 27.05H) shall meet the same front and side yard setback requirements as the principal structure, as set forth in the applicable zoning district of this Ordinance. However, the minimum rear yard setback shall be ten (10) feet for all detached accessory buildings (except corner and multi frontage lots). A detached accessory structure on a multi frontage lot where the rear lot line does not abut a major thoroughfare or collector road must meet the same minimum front and side yard setbacks as the principal structure and the minimum rear yard setback shall be ten (10) feet. A multi frontage lot with a rear property line that abuts a major thoroughfare or a collector road must meet the same front, side, and rear yard setback requirements as the principal structure. In the case of a corner lot, any detached accessory structure must meet the same rear and side setbacks as the principal structure and must meet the same front setback as the principal structure

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from any lot line that abuts a major thoroughfare or collector road. In all cases, no detached accessory structures may extend past the leading edge of the principal structure in the front yard.. All accessory buildings and structures shall be included in the computation of total maximum area of all accessory buildings, and together with the principal building or structure shall not exceed the percentage of lot coverage requirements. *(amended 07.16.18, 06.19.23)*

5. Detached accessory buildings or structures in non-residential districts shall conform to the height requirements for the principal building or structure, as set forth in the applicable zoning district, except as specifically permitted otherwise in this Ordinance. However, detached accessory buildings or structures in non-residential districts that exceed the height of the principal building or structure, as constructed, shall not be located in the front yard. The detached accessory structures shall meet the same setbacks as the principal structure *(amended 07.16.18, 06.19.23)*

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

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

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

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

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

9. The total area of all accessory buildings or structures on a single-family residentially zoned parcel shall not exceed the above noted area, except in the following cases after consideration and approval by the Zoning Board of Appeals *(amended 11.28.85, 06.15.15)*:

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- 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.
  - b. On parcels of more than five (5) acres in size used for agricultural purposes, a variance may be sought from the Zoning Board of Appeals to permit additional accessory buildings or structures for the purpose of storing agricultural implements, equipment, products, livestock, and similar items.
10. The location of all accessory buildings, structures and uses, except in single-family residentially zoned districts, shall be shown on the site plan submitted to the Planning Commission for approval, subject to the provisions of Section 30.01 of this Ordinance. *(added 02.01.16)*
11. An accessory building, structure or use shall not be located within any dedicated road or easement right-of-way.
- B. Home Occupations. *(amended 08.01.11)*

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

1. The home occupation must be clearly incidental to the use of the dwelling as a residence.
2. No outdoor display or storage of outdoor materials, outdoor goods, outdoor supplies, or outdoor equipment used in the home occupation shall be permitted on the premises. *(amended 08.01.11)*
3. The appearance of the structure shall not be altered nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises or vibrations.
4. The home occupation shall not occupy more than thirty percent (30%) of the total floor area of the dwelling. *(amended 08.01.11)*
5. The home occupation may increase vehicular traffic flow and parking by no more than two (2) additional vehicles at a time for any clients, employees, contractors, or other individuals associated with the home occupation who are not residents. The delivery of goods, presence of employees (other than resident employees), or the visit of customers shall not occur before 6 am or after 8pm. *(revised 08.01.11)*
6. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the structure.

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7. No home occupation shall cause an increase in the use of any one (1) or more utilities (water, sewer, electricity, telephone, trash removal, etc.) so that the combined total use for the dwelling unit and home occupation exceeds the average for residences in the neighborhoods.
8. One (1) non-illuminated nameplate, not more than one (1) square foot in area, shall be permitted. Said sign shall be attached flat to the building wall, and shall contain only the name and occupation of the residents of the premises.
9. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than normally occurs in a similarly zoned residential district.
10. At any given time, not more than one (1) employee, who does not live at the residence, shall be allowed to work at the residence conditioned upon the resident supplying the Township with the name and address of that employee. *(added 08.01.11)*
11. No home occupation shall produce a product at the residence whose production is regulated by state, county or federal law. *(added 08.01.11)*
12. No home occupation shall manufacture a product at the residence whose manufacturing is regulated by state, county or federal law. *(added 08.01.11)*
13. No home occupation shall store any product or materials at a residence whose storage is regulated by state, county or federal law. *(added 08.01.11)*
14. No home occupation shall distribute a product directly from the residence whose distribution is regulated by state, county or federal law. *(added 08.01.11)*

**C. Temporary Structures.**

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

An incompletely constructed structure shall not be used as a dwelling unless such structure has been completed as a dwelling and a Certificate of Occupancy issued for such structure.

2. A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired.
3. The initial approval by the Zoning Board of Appeals to allow a temporary residential use may not exceed three (3) months. The ZBA may grant an additional extension up to three (3) months if the applicant requests it when the initial approval is due to expire.
4. Temporary buildings for non-residential use, including semi-trucks/trailers, may be permitted by the Ordinance Enforcement Officer only when such building or structure is used by a duly licensed contractor in conjunction with a construction project. The temporary structure shall be removed as soon as said construction project is completed.
5. A temporary building or structure shall not be used as an accessory building or structure.
6. The use of temporary structures for the sale of dwellings in a residential district may be permitted by the Zoning Board of Appeals, as per Section 30.11, Paragraph F, Temporary Use Permit, and shall be subject to the requirements of Section 27.10, Temporary Sales Offices in Residential Districts. *(amended 08.07.97)*

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7. A temporary trailer for an existing business, which is demolishing its building and has an approved site plan for a new construction, may be approved by the Planning Commission to allow the business to continue operating during the rebuilding process. The trailer can be approved for up to twelve (12) months, with the possibility of additional six (6)-month extensions upon further review and approval by the Planning Commission. The trailer must be removed either upon the expiration of the twelve (12)-month period or prior to the issuance of a temporary certificate of occupancy, whichever comes first. *(added 11.18.24)*

A plan showing the location of the temporary trailer in relation to the approved site plan must be submitted to the Planning Commission for review and approval. The temporary trailer shall comply with all applicable zoning and building ordinances, including Article 30.01 and other relevant regulations.

The Planning Commission shall, within its sole discretion, have the authority to grant a waiver to certain requirements under Article 30.01 that are not deemed necessary for the scope of the project and/or upon good cause shown by the Applicant. The Applicant must also comply with all of the following regulations to be eligible for approval under this section, and these items are not subject to waiver:

- a. A building permit must be applied for and issued.
- b. Side and rear setbacks from Article 26 (Schedule of Regulations) must be met.
- c. The front setback is ten (10) feet and may be measured from the existing road right-of-way rather than the proposed one.
- d. The plan must show how active construction will be safely separated from the operation of the temporary trailer.
- e. Hours of operation for the trailer must be limited to daylight hours unless it is demonstrated that the trailer and surrounding area are adequately lit for safety during non-daylight hours.
- f. The trailer must demonstrate sufficient potable water and sewer facilities to the satisfaction of the Planning Commission.
- g. The plan does not need to be prepared by an engineer, land surveyor, or landscape architect.
- h. At the discretion of the Planning Commission, a performance bond may be required to ensure the trailer is removed according to the specified conditions. Additionally, the trailer may be exempt from landscaping and greenbelt requirements due to its temporary nature.

**D. Buildings Being Moved.**

1. A building or structure shall not be moved on to any parcel in Orion Township unless and until it meets the requirements of this section and other applicable provisions of the Zoning Ordinance and the Orion Township Building Code.
2. Single-family residential buildings shall comply with the following:
  - a. An applicant desiring to move a single-family residential building or structure onto a building site shall file a request with the Building Department and submit two (2) sets of drawings showing the plot plan, the building floor plan, all four (4) elevations of the exterior as it will appear when the relocation is completed, the proposed travel route, and the means of securing the building or structure to the foundation.
  - b. The Building Official shall inspect the residential building to be moved at its existing location before it is moved.
  - c. Approval of the application shall be upon a finding by the Building Official that the structure will conform to the Building Code, Zoning Ordinance, and other applicable regulations and ordinances and

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will not be injurious to neighboring buildings or property owners. The structure being moved must be compatible with the design features and aesthetic qualities of the dwellings in the surrounding neighborhood.

3. An applicant desiring to move any building or structure other than a single-family residential building or structure on to a site in Orion Township shall file a site plan for approval by the Planning Commission in accordance with the provisions of Section 30.01 of this Ordinance.
4. Before a moving permit is issued and before the structure is moved, the applicant shall pay a moving inspection fee as established by the Township Board. The fee shall be paid to the Township Treasurer in cash or by certified check.
5. It shall be the responsibility of the applicant to apply for all applicable permits and call for all necessary inspections in accordance with the provisions of the Orion Township Building Code.
6. The Building Official shall issue a Certificate of Occupancy only after inspecting the moved structure in its new permanent location and finding that the structure meets the Building Code, Zoning Ordinance, and other applicable ordinances of the Township.

The moved structure may not be used or occupied until a Certificate of Occupancy has been issued.

**E. Uses Not Otherwise Included Within a District.**

Land uses which are not contained by name in a zoning district list of uses permitted by right, special land uses, or permitted accessory uses may be permitted upon a positive recommendation of the Planning Commission that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district.

1. Determination of Compatibility. In the evaluation of a proposed use, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with the characteristics of uses expressly permitted in the district. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.
2. Type of Use. If the Planning Commission finds that the proposed use is similar in nature and/or compatible with permitted or existing uses, the Commission shall determine whether the proposed use shall be permitted by right, a special land use, or permitted as an accessory use. Uses that possess unique characteristics or unusual features, that serve an area larger than the Township, or require large tracts of land shall be designated as special land uses, subject to the provisions set forth in Section 30.02. Uses of this type include:
  - a. Drive-in movie theatres
  - b. Commercial communications towers
  - c. Fairgrounds
  - d. Animal kennels
  - e. Airports and related uses
  - f. Utility facilities and substations

Uses permitted by right or as accessory uses shall be subject to the review and approval requirements of the district in which they are located.

3. Standards and Conditions. The Planning Commission shall have the authority to establish general standards and conditions under which a use may be included in a district under the terms of this section. No use shall be permitted in a district under the terms of this section if said use is specifically listed as a use permitted by right or as a special land use in any other district.
4. Record of Action. A record shall be kept of all uses, conditions, and standards which are approved under the terms of this section. Once a specific use has been permitted, said type of use may be established within the

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district, subject to any pertinent conditions and standards without further recourse to the procedures of this section.

**F. Building Site Grades.**

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

**G. Signs. (amended 07.16.18)**

1. All signs shall conform to the location, size, height, number, and other standards set forth in the Orion Township Sign Ordinance, Ordinance No. 153. (amended 02.21.06)
2. Signs shall conform to all other applicable Township Ordinances, including the Township Building Code.
3. For the purposes of public safety, the street number of every building or structure which has an assigned street address shall be prominently displayed on a side of the building facing the street. Street address numbers shall be at least four (4) inches in height on residential buildings, and at least four (4) inches in height on all non-residential buildings and structures. (amended 06.19.23)

**H. Basement Residency.**

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

**I. Fire Protection Water Supply Standards.**

For the purposes of public safety and fire protection, all buildings and structures shall have water supply for fire fighting that will provide a reasonable degree of protection to life and property in accordance with Standard on Water Supplies for Suburban and Rural Fire Fighting per current adopted fire code. (amended 06.19.23)

**Section 27.03 – Yard and Bulk Requirements****A. Minimum Lot Size.**

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



**27.03 Yard and Bulk Requirements****B. Lots Adjoining Alleys.**

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

**C. Projections Into Required Yards.**

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

1. In all yards. Awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; approved free-standing signs; arbors and trellises; flagpoles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls, subject to applicable height restrictions; mechanical equipment (i.e. generators, heat pumps, a/c units) five (5) feet or less. *(amended 06.19.23)*
2. In front yards. Open, paved terraces not over three (3) feet above the average grade of the adjoining ground and not projecting farther than ten (10) feet beyond the building, but not including roofed-over terraces or porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yards; and, overhanging eaves and gutters projecting three (3) feet or less into the yard.
3. In rear yards.
  - a. Balconies; fallout shelters; breezeways; open porches; one-story bay windows and other architectural features projecting three (3) feet or less into the yard; and overhanging eaves or gutters projecting three (3) feet or less into the yard; window wells projecting 3.5 feet into the yard. *(amended 06.19.23)*
  - b. Decks may be permitted to project into a required rear yard when the following conditions are met: *(amended 06.15.87, 02.06.97)*
    - i. In no instance shall a deck surface be more than fourteen (14) feet above ground level.
    - ii. Decks shall in no instance be closer than twenty (20) feet to a rear lot line.
    - iii. A deck shall be not fewer than twenty (20) feet to the shoreline of a lake or ten (10) feet to the edge of a regulated wetland.
    - iv. Setbacks for decks shall be measured from the leading edge of the deck surface.
4. In side yards. One-story bay windows and other architectural features projecting into the required yard by not more than two (2) inches for each one (1) foot width of side yard; and, overhanging eaves and gutters projecting eighteen (18) inches or less into the yard; window wells projecting 3.5 feet into the yard. *(amended 06.19.23)*

**D. Required Yards - Existing Buildings.**

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

**E. Location of Required Open Space.**

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

**27.03 Yard and Bulk Requirements**

## F. Variances to Yard Regulations.

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

1. A planned development in a multiple-family district;
2. Cases where the applicability of the regulations on lots existing and of record at the time this Ordinance became effective cannot be determined;
3. Lots that are peculiar in shape, topography, or site configuration.

## G. Corner Clearance.

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

1. The area formed at the corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along abutting public rights-of-way lines, and the third side being a line connecting these two (2) sides, or
2. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of a triangular area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

**Section 27.04 – Parking and Loading Regulations**

## A. Off-Street Parking.

## 1. Scope and Application.

a. Scope of Requirements. The off-street parking provisions of this Ordinance shall apply as follows:

- i. For all buildings and structures erected and all uses of land established after the effective date of this Ordinance, off-street parking shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date and diligently pursued to completion, parking facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.
- ii. If the intensity of use of any building, structure, or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking, additional off-street parking shall be provided for such increase in intensity of use.
- iii. Whenever the existing use of a building or structure is changed to a new use, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which might have been in effect prior to the change of use.

b. Existing Parking Facilities. Off-street parking facilities in existence on the effective date of this Ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than, shall not be further reduced below, the requirements for a similar new building or use under the provisions of this Ordinance.

**27.04 Parking and Loading Regulations**

An area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

- c. Additional Off-Street Parking. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve any existing use or land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.
- d. Submission of Plot Plan. No off-street parking facilities shall be constructed unless a building permit is first obtained from the Building Department. Any application for a building permit shall include a plot plan showing any off-street parking facilities proposed in accordance with the provisions of this Ordinance. Calculations for required parking shall be submitted on the plot plan or site plan and shall indicate the proposed use, building square footage and required number of parking spaces. Whenever a site plan is required in accordance with the provisions of Section 30.01, said site plan shall meet the requirements of this section. *(amended 11.14.85, 08.06.07)*
- e. Banking of Parking Spaces. The Planning Commission may allow a lesser amount of parking than required by this Ordinance. An area to meet the parking space requirements may be banked and retained as open space or landscaped area and reserved for future use as parking if required. The site plan shall note the area where parking is banked including dimensions and parking layout denoted by dotted or dashed lines. *(added 08.06.07)*

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

- f. Electric Vehicle Charging Stations. *(added 09.21.09, amended 01.03.16)*
  - i. Permitted Locations. When accessory to a principal permitted use, electric vehicle charging stations are permitted in all zoning districts. When constructed as a standalone commercial for-profit business, electric vehicle charging stations shall only be permitted in districts that otherwise permit automobile service centers.
  - ii. Parking
    - a. Electric vehicle charging stations located within parking lots or garages may be included in the calculation of minimum required off-street parking spaces.
    - b. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
    - c. Electric vehicle charging stations shall be sized the same as a standard parking space as required in the Off-Street Parking Chart herein.
  - iii. Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Site lighting shall comply with Section 27.11.
  - iv. Equipment Standards and Protection.
    - a. Electric vehicle charging station outlets and connector devices shall be no less than twenty six (26) inches and no higher than forty eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
    - b. Adequate electric vehicle charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the vehicle charging station is setback a minimum of twenty four (24) inches from the face of the curb.

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27.04 Parking and Loading Regulations

- v. Signage and Notification. Each electric vehicle charging station space shall be posted with signage indicating that the space is only for electric vehicle charging purposes. Additionally, notification shall be placed on the unit to identify voltage and amperage levels, hours of operation, fees, safety information and other pertinent information.
  - vi. Installation and Maintenance.
    - a. All necessary electrical permits must be obtained.
    - b. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or for when other problems are encountered.
2. General Requirements.
- a. Location. Off-street parking for other than residential uses shall be either on the same lot, or within three hundred (300) feet of the building or use it is intended to serve, if said spaces and uses are located in the same zoning district or zoned Parking District measured from the nearest point of the building or use and the nearest point of the off-street parking lot.

Unless otherwise specified in the regulations for each district, a minimum setback of twenty (20) feet shall be maintained between any off-street parking area and adjacent property lines. However, enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements for the district in which they are located. *(amended 07.16.18)*
  - b. Residential Parking. Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
  - c. Control of Off-Site Parking Facilities. In cases where parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same ownership or under the same control as the parcel occupied by the building or use to which the parking facilities are accessory. Such ownership or control shall be indicated on the plot plan or site plan submitted to the Building Department.
  - d. Access. Except on lots accommodating single-family dwellings, each off-street parking space shall open directly onto an aisle or driveway of sufficient width and design as to provide safe and efficient means of vehicular access. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Backing directly onto a street shall be prohibited. Ingress and egress to an off-street parking area lying in the area zoned for other than residential use shall not be across land zoned for residential use.
  - e. Collective Use of Off-Street Parking. Off-street parking space for separate buildings or uses may be provided collectively. If parking facilities for separate buildings or uses are provided collectively, the total number of spaces so provided shall not be less than the number which would be required if the spaces were provided separately. However, the Zoning Board of Appeals may reduce the total number of spaces provided collectively by up to twenty-five percent (25%) if such reduction is specifically approved as part of the required site plan approval process. Such approval shall be granted only on a showing that the parking demands of the two (2) uses do not overlap.
  - f. Loud Speakers Prohibited. The use of loud speakers shall be prohibited in all parking areas except between the hours of 7:00 a.m. and 7:00 p.m. The restriction on loud speakers shall not apply if used for municipally sponsored or approved civic functions.

**27.04 Parking and Loading Regulations**

- g. Storage and Repair Prohibited. The storage of merchandise, sale of motor vehicles, storage of junked vehicles, or repair of vehicles is prohibited in off-street parking areas. Emergency service required to start vehicles shall be permitted.
- h. Parking Spaces for Physically Handicapped.
- i. Number. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

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

- ii. Size. Accessible Parking Spaces for cars shall be a minimum of thirteen (13) feet wide (8' wide parking space plus a 5' wide marked access aisle). Van-Accessible Parking Spaces shall be a minimum of sixteen (16) feet wide (8' wide parking space plus an 8' wide marked access aisle). *(amended 07.16.18)*
- iii. Location. Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways, and entrances. Parking spaces shall be located so that the physically handicapped persons are not compelled to wheel or walk behind parking cars to reach entrances, ramps, walkways, or elevators.
- iv. Curbs. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined curb approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access.
- v. (See, also, State of Michigan Barrier-Free Rules.) The State rules, if they are more restrictive, shall apply in place of the Charter Township of Orion Ordinance provisions.
- vi. Number of Required Off-Street Spaces. Off-street parking spaces shall be provided in the quantities required by the regulations for the districts in which the buildings or uses are located. For the purposes of computing the number of parking spaces required, the definition of "Structure Area" as set forth in Article II shall govern. When determination of the number of off-street parking spaces required by this Ordinance results in a fractional requirement, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one (1) parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one (1) time.

**27.04 Parking and Loading Regulations**

## 3. Layout and Construction.

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

- a. Dimensions. Plans for the layout of off-street parking facilities shall be in accord with the requirements set forth in the Off-Street Parking Chart contained herein.
- b. Maneuvering Lanes. Maneuvering lanes shall have adequate width to permit safe one-way traffic movement, with the exception of the 90 pattern, which shall provide for safe two-way traffic movement. Each entrance and exit to and from a parking lot shall be at least twenty-five (25) feet from the nearest point of any property zoned for residential use.
- c. Surfacing and Drainage. Unless otherwise specified in the regulations for each district, all off-street parking areas, access lanes, and driveways required under this section shall be surfaced with concrete, asphalt, or an equivalent hard, dustless surface as approved by the Planning Commission. Off-street parking areas, except those serving single or two-family residences and railroad freight yards, shall also be curbed. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to not drain onto adjacent property or toward buildings. The grading, surfacing, and drainage plans shall be in conformance with the specifications of the Township. Surfacing of all parking areas, access lanes, and driveways must be completed within one (1) year of the date the permit is issued.
- d. Lighting. Any lighting used to illuminate off-street parking areas shall be directed on the parking area only and away from nearby residential properties and public streets. In no case shall lighting exceed three (3) foot-candles measured at the lot line. *(amended 11.14.85)*
- e. Screening and Landscaping. Except for those serving single and two-family dwellings, all off-street parking areas shall be screened from view from any adjoining residential property. Such screening shall consist of earth berms, permanent walls, or evergreen landscaping, subject to approval of the Planning Commission and in accordance with the provisions set forth in Section 27.05. In cases where a wall extends to any alley which serves as a means of ingress and egress to a parking area, the wall may be ended within ten (10) feet from the nearest edge of the alley so as to provide a wider access route to the parking area.
- f. Wheel Stops. Except for those serving single and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas.
- g. Attendant Shelter. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district.
- h. Signs. Accessory signs shall be permitted in parking areas in accordance with the provisions set forth in the Orion Township Sign Ordinance, Ordinance No. 153. *(amended 02.21.06)*

OFF-STREET PARKING CHART

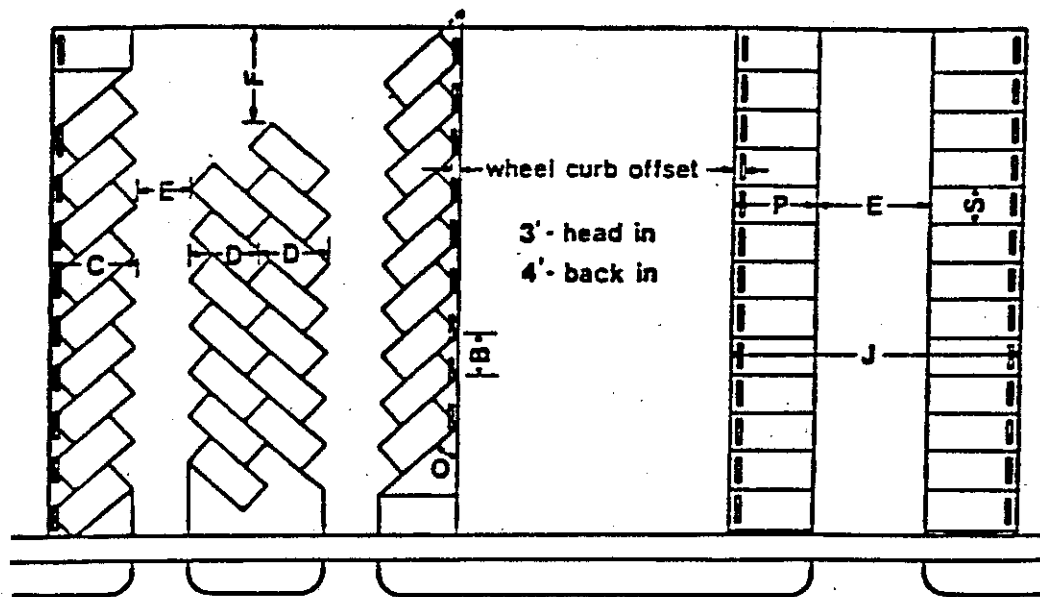


Table of Dimensions (In Feet)								
O	S	P	B	C	D	E	F	J
0°	9.0	22.0	20.0	9.0	10.0	12.0	-	30.0
30°	9.0	19.0	20.0	18.2	13.9	12.0	15.0	48.4
45°	9.0	19.0	14.1	20.4	16.9	12.0	17.0	52.9
60°	9.0	19.0	11.5	21.5	19.0	15.0	15.0	58.0
90°	9.0	19.0	10.0	19.0	19.0	22.0	22.0	60.0

O ..... Parking Angle  
 S..... Parking Space Width  
 P ..... Parking Space Length  
 B..... Curb Length of Parking Space Width  
 C..... Perpendicular Length of Stall (against wall)

D..... Perpendicular Length of Stall (overlap)  
 E ..... Aisle Width  
 F..... Turn Around Aisle Width  
 J..... Wall-to-Wall Dimension

B. Off-Street Loading and Unloading.

1. Scope and Application.

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

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

**27.04 Parking and Loading Regulations**

- to completion, loading and unloading facilities, as required for issuance of said building permit, may be provided in lieu of any different requirements of this Ordinance.
- b. If the intensity of use of any building, structure, or premises is increased through the addition of gross floor area, additional off-street loading and unloading facilities shall be provided for such increase in intensity of use.
  - c. Whenever the existing use of a building or structure is changed to a new use, loading and unloading facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which might have been in effect prior to the change in use.

**2. General Requirements.**

- a. Location. Permitted and required loading berths shall be located as provided in the regulations for each zoning district. Except as provided under Central Loading below, all required loading berths shall be located on the same zoning lot as the use served. No permitted or required loading berth shall be located within thirty (30) feet of the nearest intersection of any two (2) streets. Loading and unloading facilities shall not be so located as to interfere with ingress or egress or off-street parking.
- b. Size. Unless otherwise specified, any required off-street loading berth shall be at least ten (10) feet in width by at least fifty (50) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
- c. Access. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. A determination that this standard has been met shall be made by the Planning Commission during site plan review.
- d. Surfacing. All off-street loading berths and loading dock approaches shall be surfaced with a permanent, durable surface, such as concrete, asphalt, or an equivalent material as approved by the Planning Commission. The grading, drainage, and surfacing plans for the loading area shall be in conformance with the specifications of the Township Engineer.
- e. Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in conjunction with required loading facilities. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.
- f. Exclusive Use. Space allocated to any off-street loading use shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g. Central Loading. Central loading facilities may be substituted for loading berths for individual businesses on separate lots provided that all of the following conditions are fulfilled:
  - i. Each zoning lot or business served shall have direct access to the central loading area without crossing streets or alleys-at-grade.
  - ii. Total off-street loading berths provided shall meet the minimum requirements herein specified, based on the sum of all of the businesses or lots served. The area of all of the businesses served may be totaled before computing the number of loading berths required.
  - iii. No building or lot served shall be more than five hundred (500) feet from the central loading area.
- h. Minimum Facilities. In the event that off-street loading and unloading facilities are required for a particular use, but the buildings in which the use is located are of less floor area than the minimum prescribed for such required facilities, said use shall be provided with adequate receiving facilities that are accessible by motor vehicle off an adjacent alley, service drive, or open space on the same zoning lot.



**27.04 Parking and Loading Regulations**

## 3. Specific Requirements.

- a. Residence Districts. Off-street loading facilities accessory to uses allowed in districts zoned for residential use shall be provided in accordance with the following minimum requirements:
  - i. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional loading berth for each additional one hundred thousand (100,000) square feet of gross floor area or fraction thereof:
    - Hospitals and health institutions
    - Religious institutions
    - Educational and cultural institutions
    - Recreation and social facilities
    - All other non-residential uses in a residentially zoned district
  - ii. Special Purpose 1 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use.
- b. Business Districts. Off-street loading facilities accessory to uses allowed in districts zoned for business related uses (OP, RB, GB SP-1, SP-2, REC-1, REC-2) shall be provided in accordance with the following minimum requirements, except that the Planning Commission may, at their discretion, modify or waive the loading and unloading requirements upon finding that the proposed use will require infrequent deliveries and/or deliveries will usually be made by automobile, van or small truck. *(amended 02.03.86, 02.01.16)*
  - i. Establishments containing less than ten thousand (10,000) square feet of gross floor area shall be provided with adequate facilities, accessible by motor vehicle off any adjacent alley, service drive, or designated delivery area on the same zoning lot. *(amended 01.17.85)*
  - ii. For the uses listed hereunder, one (1) loading berth shall be provided for buildings containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area; one (1) additional loading berth shall be provided for each additional one hundred thousand (100,000) square feet of gross floor area.
    - Banks and financial institutions
    - Medical and dental clinics
    - Offices, business, professional and governmental
    - Recreation buildings and community centers, non-commercial
    - Clubs and lodges (not-for-profit) - containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices (other than accessory)
    - Radio and television stations and studios
    - Recording studios
    - Hotels and motels - containing retail shops, convention halls, auditoriums, exhibition halls, or business or professional offices
    - Stadiums, auditoriums, and arenas
  - iii. Special Purpose 1 & 2 District Uses. Loading berths shall be provided on the basis of the requirements for each individual use.
  - iv. For all other uses, loading facilities shall be provided in accordance with the following schedule:

**27.04 Parking and Loading Regulations**

<b>Gross Floor Area of Establishments in Thousands of Square Feet</b>	<b>Required Number of Berths</b>
7 to 60	1
61 to 100	2
For each additional 200,000 sq. ft. in gross floor area or fraction thereof, over 100,000 sq. ft. of gross floor area, one (1) additional berth shall be provided.	

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

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

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

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

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

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

<b>Gross Floor Area of Establishments in Thousands of Square Feet</b>	<b>Required Number of Berths</b>
3.5 to 20	1
21 to 40	2
For each additional 40,000 sq. ft. in gross floor area or fraction thereof, one (1) additional berth shall be provided.	

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

**27.04 Parking and Loading Regulations**

## 1. Intent.

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

## 2. General Requirements.

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

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

- i. The vehicle may be stored and occupied on-site for no more than three (3) months out of any given year, but for no more than six (6) consecutive weeks.
  - ii. The vehicle is properly licensed.
  - iii. The vehicle is stored in the rear yard, but may be stored in the side yard, provided it is at least ten (10) feet from the property line and no less than twenty (20) feet from or adjacent to a residential dwelling and maintains the required front yard setback.
  - iv. The vehicle shall be maintained to appear as if it is unoccupied, including the storage of all paraphernalia within the vehicle.
- b. Machinery and Building Materials Storage. Unusable, rusty, or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials, shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The storage of building materials to be used for the purpose of new construction shall also be permitted, provided that such storage does not exceed a period of sixty (60) days. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels. *(amended 12.07.95)*
- c. Recreational Vehicle Storage. *(amended 08.05.99, 10.07.02, 11.15.10, 06.04.12)*
- i. Subject to the following regulations, property owners may store or park their own trailers, motor homes, boats, snowmobiles, jet skis, all terrain vehicles, and similar vehicles on their own property or residence for an indefinite period of time, provided that the vehicles are in operable condition and properly licensed to the property owner or occupant. Such vehicles shall also be subject to the following:
    - For the purpose of Section 27.04 (C), the front yard shall be considered along a road and address side of the lot and shall not be abutting a lake or canal (see definition Lot, Lakefront).
    - For lots within the SF, SR, SE, R-1, R-2, or R-3 zoning districts, recreational vehicles may be stored or parked within the side or rear yard. However, recreational vehicles shall be stored no closer than ten (10) feet to any side or rear property line.

**27.04 Parking and Loading Regulations**

- For lots within the SF, SR, or SE zoning districts, not more than one (1) recreational vehicle, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobile, jet skis, etc. may be stored or parked within the front yard but not within the required front yard setback.
- For lots within the R-1, R-2, or R-3 zoning districts, not more than one (1) recreational vehicle, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobiles, jet skis, etc. may be stored or parked within the front yard, provided there is at least twenty (20) feet between the street edge or road and any portion of the recreational vehicle or trailer stored within the front yard or driveway area.
- Where the storage or parking of not more than one (1) recreational vehicle trailer, or not more than one (1) recreational vehicle trailer holding not more than two (2) recreational vehicles such as snowmobiles, jet ski, etc. is within the front yard area (excluding front yard setback areas) and where the recreational vehicles are within ten (10) feet of a property line, the Building Department shall require a permit, subject to the following:
  - Sight visibility and corner clearance shall be maintained from adjoining roads, streets, driveways, or sidewalks.
  - Storage of recreational vehicles shall be located on a paved or gravel surface.
  - The Building Official may require a screening fence, wall or landscaping positioned in a manner to screen the views of recreational vehicles from adjoining property lines.
  - Recreational Vehicles may not be stored on vacant residential parcels which do not contain a principal use such as a home, garage or dwelling unit.
- ii. A travel trailer or motor home parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be used as a temporary dwelling unit, building, or structure, unless approved by the Zoning Board of Appeals, or as allowed in previous sections, in accordance with Section 27.02 (C)(1), or demonstrated compliance with Section 27.04 (C)(2)(a). The off-premise storage of a travel trailer or motor home shall be restricted to Limited Industrial zoned parcels.

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

1. Intent. Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter, and other impacts of intensive non-residential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.
2. Scope of Application. The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a Certificate of Occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 30.09. *(amended 08.15.16)*

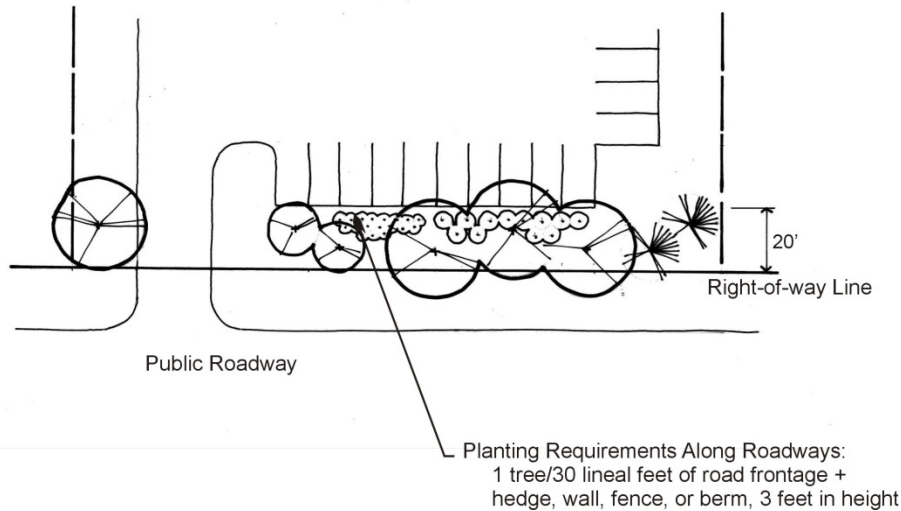
**27.05 Landscaping, Fences and Walls**

In cases where the use of an existing building changes or an existing building is changed or otherwise altered, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the Township from agreeing to more extensive landscaping.

3. Landscaping Design Standards. Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:
  - a. General Landscaping. *(amended 11.14.85)* All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:
    - i. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated, with Planning Commission approval.
    - ii. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet, or portion thereof, of landscaped open-space area.
    - iii. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
    - iv. All landscaped areas shall have an underground irrigation system or shall be provided with a readily available and acceptable water supply with at least one (1) hose bib within one hundred (100) feet of all planted material to be maintained.
    - v. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.
    - vi. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for General Landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of Section 27.05.
4. Parking Lot Landscaping Adjacent to Roads Excluding Single Family Residential Uses. A greenbelt separation area is required between the right-of-way property line and the nearest portion of any off-street parking area, for parcels fronting roads but excluding single family residential uses. Said area shall be a minimum of twenty (20) feet in width and minimally landscaped as follows and as illustrated in the following figure:
  - a. One (1) tree for each thirty (30) lineal feet, or fraction thereof, of required greenbelt separation area (including driveways). Such trees shall be located between the abutting right-of-way and the off-street parking area or vehicular use area.
  - b. In addition, a hedge, wall, decorative metal fence, or berm, or other landscape elements with a vertical rise of at least thirty (30) inches shall be developed within said separation zone. The hedge, wall, fence, or berm shall have the effect of reducing the visual effect of parked cars. If the developer decides to construct a masonry wall or decorative fence, he/she shall in addition plant one (1) shrub or vine for each ten (10) lineal feet of masonry wall on the street side of the wall.
  - c. The remainder of the required landscape separation area shall be landscaped with grass, ground cover or other landscape treatment, excluding paving such as concrete or asphalt. This shall not be construed to prohibit decorative brick paving.

27.05 Landscaping, Fences and Walls



- d. The Planning Commission may at their discretion wave or modify the requirements of this section subject to one or more of the following conditions: limited parcel depth, existing vegetation or other site factors which limit the practical application of landscaping standards.
- e. Landscaping of Right-of-Way and Other Adjacent Public Open Space Areas. Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
- f. Regulations Pertaining to Landscaping Areas Used for Sight Distance. When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way or intersection of interior driveways, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are:

- i. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.
  - ii. The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being thirty (30) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.
5. Screening for Conflicting Land Uses. Where non-residential uses abut residential uses or where multi-family uses abut single family uses, the Planning Commission may require a greenbelt buffer, berm or obscuring wall or combination of the aforementioned methods of screening. The methods of screening for conflicting lands uses are described as follows:
- a. Greenbelt Buffer. Where required, landscaped greenbelt and greenbelt buffers shall conform to the following standards:

**27.05 Landscaping, Fences and Walls**

- i. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
  - ii. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
  - iii. A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet, or portion thereof, of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.
  - iv. For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area.
- b. Berms. Where required by the Planning Commission, earth berms or landscaped berms shall be in conjunction with landscape greenbelt, and conform to the following standards:
- i. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal, with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
  - ii. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
  - iii. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required berm.
  - iv. Eight (8) shrubs per tree may be planted as substitute for trees required in Item "iii" above.
  - v. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - vi. For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
  - vii. The berm and landscape buffer shall provide sufficient screening and opacity in order to appropriately obscure and buffer conflicting land uses.
- c. Obscuring Walls.

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

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

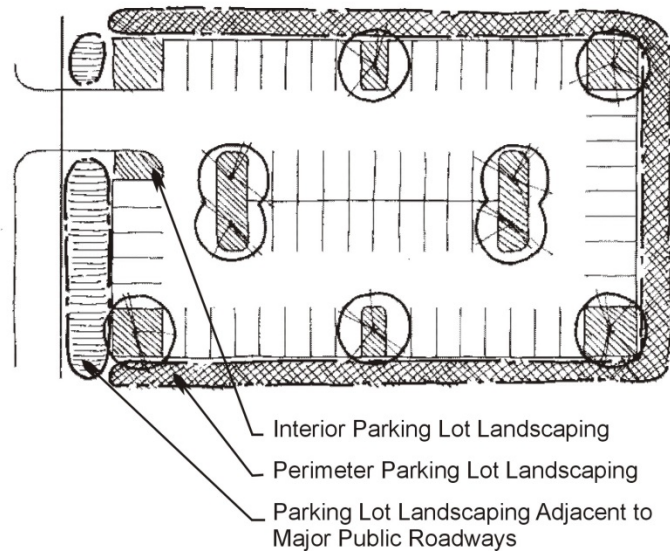
**27.05 Landscaping, Fences and Walls**

- iii. **Openings for Vehicular Access.** Required obscuring walls, fences and berms shall be continuous, with no interruptions or openings except for permitted roads and driveways for vehicular access.
  - iv. **Corner Clearance.** No obscuring walls and berms shall be erected, established, or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 must be complied with.
  - v. **Substitution.** As a substitute for required obscuring walls or berms, the Planning Commission may, in its review of the site plan, approve the use of existing and/or other natural or man-made landscape features that would produce substantial results in terms of screening, durability, and permanence.
  - vi. **Wall Specifications.** Required obscuring walls shall be a minimum of six (6) feet in height, and shall be constructed of the same materials as, or of materials that are architecturally compatible with, the materials used on the facade of the principal structure on the lot. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches and shall not be less than four (4) inches wider than the wall to be erected.
  - vii. **Fence Specifications.** Fences required for screening purposes shall be a minimum of six (6) feet in height, and shall be constructed of redwood, cedar, or No. 1 pressure-treated wood, vinyl or other materials approved by the Planning Commission or Building Official, with posts sunk into the ground at least three (3) feet. Chain link fences shall not be permitted for screening purposes.
  - viii. **Barbed Wire Prohibited.** Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.
  - ix. **Entranceway Structures.** Entranceway structures shall be permitted in accordance with the provisions set forth in Section 27.05 herein.
6. **Interior Parking Lot Landscaping.** Off-street parking areas shall be landscaped as follows:
- a. Off-street parking areas containing greater than twenty (20) spaces shall be provided with at least twenty (20) square feet of interior landscaping per parking space. A minimum of one-third (1/3) of the trees required in Section 27.05 (A)(5) shall be placed on the interior of the parking area and the remaining may be placed surrounding the perimeter parking lot within ten (10) feet, as illustrated on the following figure. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
  - b. A minimum of one (1) tree shall be planted per two hundred (200) square feet or fraction thereof of interior parking lot landscaping. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Interior parking lot shrubs and trees shall permit unobstructed visibility and maintain clear vision between a height of thirty (30) inches to eight (8) feet.
  - c. Interior parking lot landscaping islands shall be no less than ten (10) feet in any single dimension and no less than two hundred (200) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.
  - d. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
  - e. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.



**27.05 Landscaping, Fences and Walls**

- f. Interior parking lot landscaping and/or landscape islands shall be dispersed throughout the parking lot in order to break up large expanses of pavement.
- g. The Planning Commission may, at their discretion, waive or modify the requirement for interior landscaping in cases where the parking lot consists of only one (1) aisle and the area surrounding the parking lot is heavily landscaped or where existing off-street parking drives and/or structures are located on the parcel.



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

1. Maintenance-Free Non-Plant Material. All non-plant site features shall be durable and as maintenance-free as reasonably possible.
2. Plant Quality. Plant materials used in compliance with provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Oakland County, in conformance with the standards of the American Association of Nurserymen, and shall have passed any inspections required under State regulations.
3. Plastic Plant Material Prohibited. Plastic and other non-organic, non-living plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent of this Ordinance.
4. Required Plant Material Specifications. The following specifications shall apply to all plant material required by this section:
  - a. Deciduous shade trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
  - b. Deciduous ornamental trees shall be a minimum of one and one-half (1-1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.
  - c. Evergreen trees shall be a minimum of five (5) feet in height when planted, except that juniper, yew and arborvitae species shall be a minimum of three (3) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
  - d. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of fifteen (15) inches when planted.

**27.05 Landscaping, Fences and Walls**

- e. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting.
  - f. Vines shall be a minimum of thirty (30) inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet required physical buffer requirements.
  - g. Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
  - h. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion-reducing net, or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases.
  - i. Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance. Also, straw or other mulch shall be used to protect newly seeded areas.
- C. Installation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials is required:
- 1. Installation. Landscaping shall be installed in a sound, workman-like manner and according to accepted good planning procedures, with the quality of plant materials as hereinafter described. Landscaped areas shall be protected from vehicular encroachment by use of wheel stops or some other means. Landscaped areas shall be elevated above the pavement to a height adequate to protect plant materials from snow removal operations, salt, and other hazards. If building or paving construction is completed in an off-planting season, a temporary Certificate of Occupancy may be issued only after the owner provides a performance guarantee to ensure installation of required landscaping in the next planting season. *(amended 08.15.16)*
  - 2. Maintenance. The owner of landscaping required by this Ordinance shall maintain the landscaping in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced in the next appropriate planting period. Maintenance of landscaped areas in public rights-of-way adjacent to required landscape areas shall be the responsibility of the owner of the adjacent private property.
- D. Regulations Pertaining to Existing Plant Material. The following standards shall apply to existing plant material:
- 1. Consideration of Existing Plant Material. In instances where healthy plant material exists on a site prior to its development, the Planning Commission, pursuant to site plan approval, may adjust the application of the above standards to allow credit for such existing plant material, if such an adjustment is in keeping with and will preserve the intent of this Ordinance.  
  
Existing hedges, berms, wall or other landscape elements may be used to satisfy the requirements of this section, provided that such existing landscaping is in conformance with all of the requirements of this section. Maintenance of the existing landscaping elements shall be the responsibility of the individual petitioning for approval, unless an agreement between the affected property owners relative to maintenance is presented. Any such agreement shall be approved by the Township Board and recorded at the Oakland County Register of Deeds.
  - 2. Preservation of Existing Plant Material. Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered, and are four (4) inches or greater in caliper, measured twelve (12) inches above grade, except that trees listed as Prohibited Plant Materials in Section 27.05 (E) herein need not be shown unless said trees measure twelve (12) inches or greater in caliper, measured twelve (12) inches above grade.

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

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

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

<b>Caliper Measured Twelve (12) Inches Above Grade</b>		
<b>Damaged Tree</b>	<b>Replacement Tree</b>	<b>Replacement Ratio</b>
Less than 6 inches	2½ - 3 inches	1 for 1
More than 6 inches	2 - 2½ inches	1 replacement tree per each 6" in caliper or fraction thereof of damaged tree
Replacement trees shall be the same species as the damaged or removed tree, unless otherwise approved by the Planning Commission.		

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

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

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

1. Topographic features or special characteristics exist on the site which create conditions such that the strict application of the provisions of this section would result in a less effective screen than alternative landscape design and plantings; or
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired buffer or screen effect; or
3. The public benefit intended by the provisions in this section could be achieved with less than the required landscaping.

G. Entranceway Structures *(amended 05.04.20)*.

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

**27.05 Landscaping, Fences and Walls**

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

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

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

**H. Residential Fence and Wall Regulations.**

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

1. **Lot Enclosures.** Fences and walls used to enclose a lot shall be no higher than four (4) feet in height and shall be located on the lot line.
2. **Privacy or Decorative Fences and Walls.** Fences and walls erected primarily for privacy or decoration shall not be located within any required yard setback area and shall not exceed six (6) feet in height.
3. **Corner Clearance.** No fences or walls shall be erected, established or maintained on any corner lot so as to obscure the view of drivers in vehicles approaching the intersection. All specifications concerning corner clearance as set forth in Section 27.03 shall be complied with.
4. **Large Lots Excluded.** Fences and walls shall be excluded from the provisions of this section if such lots have an area of more than two (2) acres, have frontage of at least two hundred (200) feet, and are not part of a recorded plat.
5. **Fences Enclosing Public Areas.** Fences, walls or other protective barriers that enclose parks, playgrounds, or other public landscaped areas shall not exceed ten (10) feet in height. The Planning Commission may authorize a fence, wall, or protective barrier of additional height, with or without barbed wire, where necessary, to protect public utility or municipal installations in a residential district.
6. **Wall Specifications.** Walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below grade. The foundation shall be at least four (4) inches wider than the wall to be erected.
7. **Fence Specifications.** Fences constructed of chain link, wood, vinyl or other similar materials are permitted. Posts shall be sunk into the ground at least three (3) feet.
8. **Barbed Wire Prohibited.** Barbed wire, spikes, nails, or any other sharp-pointed intrusions shall be prohibited on top or on the sides of any fence, wall, or protective barrier, except that barbed wire cradles consisting of no more than three (3) strands of wire may be placed on top of fences enclosing public utility buildings.

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27.06 Streets, Roads and Other Means of Access**Section 27.06 – Streets, Roads, and Other Means of Access**

## A. Public Streets Required.

The front lot line of all single and two-family residential lots shall abut onto a publicly dedicated street right-of-way or onto a private road or drive meeting the standards of Ordinance No. 60.

## B. Access Across Residential District Land.

No land which is located in a residential district shall be used for a driveway, walkway, or access purposes to any land which is located in a non-residential district, unless such access shall be by a public street.

C. Acceleration/Deceleration/Passing Lanes. *(amended 03.02.95)*

1. Driveways providing ingress and egress to all two-lane, paved major thoroughfares or collector streets shall be provided with paved acceleration and deceleration lanes and passing lanes.
2. Driveways providing ingress and egress to roads of four (4) or more lanes in width shall be provided with paved tapers for traffic entering the site.
3. Driveways providing ingress and egress to any gravel major thoroughfare or collector street shall be provided with tapers for traffic entering the site.
4. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the current standards for such facilities as established by the Road Commission for Oakland County.
5. Where it can be shown that such lanes or tapers already exist, the requirement may be waived or modified by the Planning Commission when site plan review is required by said body or by the Board of Appeals in all other instances.
6. Residential developments involving less than five (5) dwelling units shall be exempt from these provisions.

## D. Internal Roadways.

The following standards must be complied with whenever an internal or on-site roadway is required:

1. Width. Unless otherwise specified in Ordinance No. 60, Land Division and Private Roads, an internal or on-site roadway shall be at least eighteen (18) feet in width. *(amended 04.21.03)*
  - a. For any zoning district other than single-family residential that has three (3) or more structures proposed to front on an internal road, the right-of-way shall be sixty (60) feet, with an improved surface of thirty (30) feet. *(amended 04.21.03)*
  - b. For any zoning district other than single-family residential that has a single structure served by a driveway, the right-of-way shall be a minimum of thirty (30) feet with an improved surface of eighteen (18) feet.
2. Surfacing and Drainage. Unless otherwise specified, all internal or on-site roadways shall be surfaced with concrete, asphalt or an equivalent hard, dustless surface as approved by the Planning Commission. Roadways shall be graded and drained so as to not drain onto adjacent property or toward buildings. The grading, surface, and drainage plans shall be in conformance with the specifications of the Township and approved by the Township Engineer.

**27.06 Streets, Roads and Other Means of Access****E. Service Roads.**

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a major thoroughfare, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the thoroughfare, the Commission may require construction of service roads on abutting parcels to allow traffic circulation from one (1) parcel to another without re-entering the public thoroughfare. Such service roads shall conform to the following standards:

1. Location and Dimensions. The front edge of the service road shall be located no closer than the future right-of-way line of the thoroughfare, and shall be at least twenty-four (24) feet in width.
2. Easement. Use of the service road shall be secured through an easement permitting the use of the service road for traffic circulation from one (1) parcel to another. Said easement shall be in written form acceptable to the Commission and adopted by the Township Board prior to issuance of a building permit. No permanent structures other than the service road shall be permitted within the easement. Said easement shall be recorded with the Oakland County Register of Deeds.
3. Surfacing and Drainage. Service roads shall be surfaced with concrete, asphalt or an equivalent hard, dustless surface as approved by the Planning Commission. Roadways shall be graded and drained so as not to drain toward buildings. The grading, surfacing, and drainage plans shall be in conformance with the specifications of the Township and approved by the Township Engineer.
4. Maintenance. Each property owner shall be responsible for maintenance of the easement and service road so that it remains usable as a means of circulating from one (1) parcel to another.

**F. Safety Pathways. (amended 01.05.87)**

Required pathways for pedestrian and bicycle use shall be constructed in conformance with the following specifications:

1. Location and Width. Required pathways shall be eight feet in width and shall be located in the road right-of-way, with a setback of one (1) foot from the property line. The Planning Commission may modify this requirement in consideration for the location of utilities, existing landscaping, or other site improvements.
2. Design Standards. Required pathways shall be constructed of asphalt or concrete in accordance with adopted engineering standards for the Township.
3. Alignment with Adjacent Pathways. Required pathways shall be aligned horizontally and vertically with existing pathways or sidewalks on adjacent properties. The Planning Commission may waive this requirement if existing adjacent pathways or sidewalks are not constructed in conformance with the standards set forth herein.
4. Signage. The Planning Commission may require installation of signage for the purposes of safety where it is necessary to separate vehicular traffic from pedestrian and bicycle traffic, or where it is necessary to alert vehicular traffic of the presence of the pathways.
5. Maintenance. The owner of the property which fronts on the required pathway shall be responsible for maintenance of the pathway, including patching cracked or deteriorated pavement and removal of glass and other debris.
6. Permits. It shall be the responsibility of the owner or developer to secure any required permits from the Road Commission for Oakland County or Michigan Department of Transportation to allow pathway construction in the road right-of-way.

**27.07 Wireless Service Communication Facilities****Section 27.07 – Wireless Service Communication Facilities** *(amended 08.21.97, 02.26.98, 09.02.14)***A. Purpose and Intent.**

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is further the purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of residential neighborhoods and the character, property values, and aesthetic quality of the Township at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, and changes in State and Federal legislation, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
2. Establish predetermined districts in the location considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
4. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
5. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.
6. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
7. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.
8. Implement and provide for compliance with State and Federal legislation through new and amended application, review, and decision standards, requirements and procedures for wireless communication facilities requests.

**B. Authorization: As a Permitted Use**

1. As a Permitted Use Subject to Site Plan Approval.

In all Zoning Districts, a wireless communication facility described in this subsection (B)(1) shall be a permitted use subject to the standards and conditions in subsection (C), the application requirements in subsection (D), the collocation requirements in subsection (E), the procedures in subsection (G), and any prior special land use or site plan approval conditions.

- a. Wireless communications equipment attached to an existing structure not previously approved and used as a wireless communications support structure and located within a nonresidential zoning district, where there will be no substantial change in physical dimensions of the existing structure.

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- b. A proposed collocation upon a wireless communication support structure which has been approved by the Township for such collocation but which is not permitted by administrative review under subsection (B)(3).
  - c. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.
  - d. Attached wireless communication facilities that are not permitted by administrative review under subsection (B)(3).
2. Authorization: As a Special Use.

Unless permitted under subsections (B)(1) or (B)(3), wireless communication facilities require approval as a special land use, which shall be subject to the standards and conditions in subsection (C), the application requirements in subsection (D), the collocation requirements in subsection (E), the procedures in subsection (G), and a demonstration of the need for the proposed facility based on one or more of the following factors:

- Proximity to an interstate or major thoroughfare.
  - Areas of population concentration.
  - Concentration of commercial, industrial, and/or other business centers.
  - Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - Other specifically identified reason creating facility need.
- a. If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (B)(1), wireless communication facilities may be permitted as a special land use in non-residential zoning districts.
  - b. If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (B)(1) or in a zoning district identified in subsection (B)(2)a, such wireless communication facility may be considered and permitted elsewhere in the Township as a special land use, subject to the following:
    - 1) In the application, the applicant shall demonstrate that no existing structure identified in subsection (B)(1) or location in a zoning district identified in subsection (B)(2)a, above can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
    - 2) Wireless communication facilities shall be of a “stealth” design, such as a steeple, bell tower, tree, or other form with substantial landscape buffering which is located and compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township taking into account any alternative designs submitted by the Applicant or identified during the review and decision process.
    - 3) Locations outside the zoning districts identified in subsection (B)(2)a, shall be limited to the following sites:
      - i. Municipally-owned sites.



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- ii. Other governmentally owned sites.
  - iii. Religious or other institutional sites.
  - iv. Public or private school sites.
  - v. Other sites if: (i) not located in a residential zoning district, and (ii) no sites identified in i – iv, above are available and suitable, as demonstrated in the application and determined by the Planning Commission.
- 4) The applicant’s demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in subsection (A).
  - 5) For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant’s demonstration that the proposed facility is more consistent with the ordinance purposes stated in subsection (A), and/or that such alternate is not feasible.
3. Authorization: As a Permitted Use Subject to Administrative Review.

A proposal for attached wireless communication facilities that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review per Section 30.01(D) and written certification by the Building Official to the construction code building official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (C), with the certification to identify any items of noncompliance.

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.
  - b. The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless communications support structure and/or wireless communications compound.
  - c. The proposal will not increase the height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height (as first erected without any later additions), whichever is greater.
  - d. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
  - e. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.
- C. Review Standards and Conditions.

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.

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3. Facilities shall comply with applicable federal and state standards, and Federal Communications Commission's regulations, relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate an engineering justification for the proposed height of the support structure, and an evaluation of alternative designs and locations which might result in lower heights. Support structures shall not exceed the minimum height necessary for collocation by at least two (2) providers, or by a larger number of providers identified and disclosed in the application as intending and contracted or otherwise committed to use of the structure. Except as needed for communication services, and regardless of the number of collocators, wireless communication support structures shall not exceed a height of 140 feet in the SF, SE, SR, R-1, R-2, and R-3 districts, 160 feet in the RM-1, RM-2, and MHP districts, and 180 feet in all other districts. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
5. The minimum setback of the support structure and equipment compound from an adjacent boundary of any property shall be equal to one hundred twenty-five percent (125%) of the height of the support structure.
6. There shall be unobstructed access to the support structure and equipment compound, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
7. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
8. The equipment enclosure may be located within the principal building, an accessory building, or in an equipment compound with landscaping and screening at least eight (8) feet in height and approved by the Township upon a demonstration by the applicant that placement of the equipment inside a building is not practical due to site or equipment conditions or constraints. If proposed as an accessory building or equipment compound, it shall conform to all district requirements for principal buildings, including yard setbacks. Where a wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building. Wireless communication facilities mounted upon the side of a building shall be attached flush against the building surface, and shall not be allowed to protrude more than the depth of the antenna. Such facilities shall blend into the design, contour and color scheme of the building.
9. The Township shall review and approve the architecture and color of the support structure and all accessory buildings and structures so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. Lighting is only allowed if required by, and in compliance with the standards of, the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, other governmental agencies, or the Township as a special use approval condition. Any such requirements and standards shall be documented by the Applicant
10. The support structure and system shall be designed to support, or capable of supporting the proposed wireless communication equipment, which shall be demonstrated by a structural analysis and certification from a registered professional engineer that identifies any modifications to an existing structure necessary to such capability.
11. Support structures shall be constructed, and maintained in accordance with all applicable building codes. Any approval or certification under this ordinance shall be subject to and conditioned on the construction code building official's authority to require and be provided with a soils report from a geotechnical engineer, licensed in the State of Michigan, based on actual soil borings and certifying the suitability of soil conditions, and a written engineering certification from the manufacturer or designer of the support system that the support system can safely accommodate attached antennas under expected weather conditions.
12. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous

**27.07 Wireless Service Communication Facilities**

maintenance to a reasonably prudent standard. Such plans shall include the names, pager number and email addresses, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night that have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current by immediate written notice to the Township of any changes.

**D. Application Requirements.**

All of the following information and documents shall be required for a special land use, site plan, or administrative review application to be considered complete:

1. A site plan prepared in accordance with Section 30.01(E), shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.
2. The site plan shall also include a detailed landscape plan prepared in accordance with the Zoning Ordinance. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of eight (8) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
3. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement accepted by the Township Board.
4. A map or plan showing the locations and heights of existing wireless communications support structures in the Township and communities adjoining the Township, and which identifies structures the Applicant is using or has the right to use and the heights at which its antennas are or may be installed.
5. The name, address identity, home and business telephone numbers, pager number and email addresses, if any, and mobile phone number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be kept current by immediate written notice of the Township of any changes.
6. An application fee in an amount established by Resolution of the Township Board or as permitted by State statute.
7. Identification of the dates, nature and conditions of any prior zoning approvals or permits for the property.
8. If the application is for a new wireless communication support structure or to place or install additional wireless communications equipment on an existing support structure, a structural analysis and certification to the Township by a registered professional engineer that the structure is designed to support, or capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment shall be specifically identified in the analysis and certification.
9. If modifications to a wireless communications support structure are identified in a structural analysis under subsection (8) above, a written determination by the Township construction code building official that, subject to review of an actual building permit application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.
10. If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and one colocation.
11. If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.

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12. If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.
13. If the application is for a new wireless communications support structure non-residential zoning districts, identification and submission in written form of the evidence and arguments the Applicant will rely on in claiming that those restrictions prohibit or have the effect of prohibiting it from providing personal wireless services and that its proposal is more consistent with the ordinance purposes stated in subsection (A), than alternate sites, locations, designs, placements and features.
14. Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.
15. If the application is for a special land use approval, the name, expertise, and relationship to applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.
16. For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the Township, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.
17. The Applicant's email address, fax number or address to which the Township should direct notices regarding the Application.

**E. Collocation.****1. Statement of Policy.**

It is the policy of the Township to minimize the overall number of newly established locations for wireless communication facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in Subsection (A), Purpose and Intent, above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of wireless communication facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Subsection (A), Purpose and Intent. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

**2. Feasibility of collocation.**

Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

- a. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- b. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

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- c. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
    - d. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections (B) and (C), above.
  3. Requirements for Collocation.
    - a. The construction and use of a new wireless communication facility shall not be granted unless' and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
    - b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.
    - c. The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.
    - d. If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
- F. Removal.
  1. A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after construction.
  2. A condition of every approval of a wireless communication facility shall be removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  3. The situations in which removal of a facility is required, as set forth in paragraph (2) above, may be applied and limited to portions of a facility no longer being used, by written application to and approval of the Zoning Administrator.
  4. If removal of all or part of a facility is required, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
  5. The required removal of a facility or a portion thereof shall be lawfully completed within 60 days of the period of nonuse under paragraph (2) above. If removal is not completed within that time, after at least 30 days written notice, the Township may remove or secure the removal of the facility or required portions

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thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

**G. Procedures.**

1. Review and administrative actions on special land use and site plan approval applications.
  - a. The Zoning Administrator shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (D). If the application is not complete, no later than 14 business days after receiving it, the Zoning Administrator shall provide a written or electronic notice to the Applicant specifying the information necessary to complete the application. Such initial review for completeness by the Zoning Administrator shall be on behalf of the Planning Commission for special land use and site plan approvals.
  - b. The Zoning Administrator shall review supplemental information submitted in response to an incomplete application notice and notify the Applicant of any remaining deficiencies.
  - c. An application shall be administratively complete upon the Zoning Administrator's determination or the expiration of 14 business days from receipt of the application without a notice to the Applicant of deficiencies.
  - d. Upon a special land use or site plan approval application being administratively complete, the Zoning Administrator shall promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (2) below.
  - e. If the application has disclosed professional opinions supporting the application and the Zoning Administrator or Planning Commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the Applicant by a written notice from the Zoning Administrator, as a professional review cost to be paid in accordance with the notice.
2. Decisions on special land use and site plan approval applications.
  - a. The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than 90 days after it is administratively complete.
    - 1) Any denial shall be made in writing and supported by evidence contained in a written record.
  - b. For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission shall approve or deny the application not more than 60 days after it is administratively complete.
3. Post-approval costs, fees and administrative actions.

Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for wireless communication facilities, and zoning certificates of use and occupancy for such facilities shall be issued subject to and conditioned on all of the following:

  - a. Any conditions of the special land use or site plan approval.
  - b. Payment of any outstanding professional review costs as described in subsection (G)(1)e.
  - c. Payment of a permit fees in an amount established by or in accordance with a Resolution of the Township Board or as governed by State statute.

**27.10 Temporary Sales Offices in Residential Districts****Section 27.10 – Temporary Sales Offices in Residential Districts** *(amended 08.07.97)*

Temporary offices in residential districts to be used for the sale of dwellings in a residential development may be permitted with review and approval of the Zoning Board of Appeals subject to the following conditions:

- A. A temporary sales office may not be occupied or used until all roads are constructed as shown on the approved site plan or plat for those phases of the development which are under construction. However, when asphalt road surfacing is proposed, temporary sales offices may be permitted to occupy a site before a top coat is installed.
- B. All parking areas, drives, and walkways serving the temporary sales office shall be paved. Temporary parking areas need not be curbed.
- C. One (1) parking space shall be provided for each one hundred (100) square feet of gross floor area.
- D. All walkways and building entrances shall be lighted during hours of operation after sunset. Such lighting shall be no less than one (1) foot-candle power.
- E. Landscaping shall be provided in the general vicinity of the temporary sales office. Plans shall be submitted, in accordance with Section 27.05, which illustrate:
  - 1. The exact location of the proposed temporary sales office.
  - 2. Proposed landscaping, parking, lighting, and walks.
- F. The Zoning Board of Appeals may specify the days and hours of operation to ensure that operation of the sales office is not a nuisance to existing and future residents.
- G. Walkways and at least one (1) entrance to any temporary sales office shall meet ADA requirements for accessibility.
- H. Temporary sales offices located within a building which is intended to be part of a development and which will be used as a residential dwelling are not subject to the provisions of Section 30.11 (F), Temporary Use Permits. However, the Zoning Board of Appeals may specify the duration of such a use.
- I. The Zoning Board of Appeals may impose new conditions when such new conditions are necessary to protect the general health, safety, and welfare.

**Section 27.11 – Lighting Regulations** *(amended 04.27.00)***A. Purpose.**

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

**B. Applicability.**

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

**27.11 Lighting Regulations****C. Lighting Definitions.**

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

**Canopy Structure.** Any overhead protective structure which is extended from a building, including an awning.

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

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

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

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

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

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

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

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

**D. Lighting Plan Submittal Requirements.**

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

1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.
2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles). (The Planning Commission is authorized to waive the requirement of a photometric grid when it is determined that such information is not necessary for site plan review.)
3. Specifications and details for the type of fixture being proposed, including the total foot-candle output, type of lamp, and method of shielding.
4. Use of the fixture proposed.
5. Any other information deemed necessary to determine the appropriateness of lighting by the Building Department and/or Planning Commission.



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**E. Non-Residential Lighting Standards.**

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

**1. Free-standing Pole Lighting.**

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

- a. **Site Lighting.** Properties adjacent to residential properties shall be designed and maintained such that illumination levels shall not exceed 0.3 foot-candle along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 1.0 foot-candle along property lines. The light intensity provided at ground level shall be a minimum of 0.3 foot-candle anywhere in the area to be illuminated.

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

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

- b. Only non-glare, color-corrected lighting types/fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. *(amended 11.18.24)*
- c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.
- d. The maximum height of pole fixtures shall be twenty (20) feet, or the height of the building, whichever is less, measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of seven (7) feet above ground level. The Planning Commission may permit a maximum height of thirty (30) feet in an industrial district where fixtures are no closer than two hundred (200) feet to any residential district.
- e. Except where used for security or safety purposes, as approved in advance by the Planning Commission, all outdoor lighting fixtures, existing or hereafter installed and maintained upon private property within commercial, industrial and office zoning districts, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly, and repair areas, where such use continues after 11:00 p.m., but only for so long as such use continues.
- f. No exposed luminous tube lighting shall be used.

**2. Building-Mounted Lighting.**

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

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- b. Only non-glare, color-corrected lighting types/fixtures shall be used in an effort to maintain a unified lighting standard throughout the Township and prevent light pollution. *(amended 11.18.24)*
  - c. The Planning Commission may approve decorative or historic light fixtures as an alternative to shielded fixtures, when it can be proven that there will be no off-site glare and that the proposed fixtures will be more consistent with the character of the site.
  - d. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, e.g., along the roof line and eaves, around windows, etc. The Planning Commission may approve internally illuminated architectural bands or external lighting directed on buildings, where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.
3. Canopy Lighting *(amended 07.16.18)*.
- a. All internally lit translucent or fabric awnings shall be prohibited within any zoning district, unless the Building Official or his or her designee determines that the following conditions are met *(amended 08.06.07)*:
    - i. Fluorescent tubes are not visible from the right-of-way.
    - ii. Light levels comply with other ordinance provisions and are not offensive to the adjoining neighbors.
    - iii. Any proposed signage on the translucent or fabric awning shall comply with Orion Township Sign Ordinance No. 153 requirements. *(amended 02.21.06)*

**F. Residential Lighting Standards.**

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

1. Site Lighting. All outdoor lighting in residential use districts shall be shielded or directed in a manner which reduces glare and shall be so arranged as to reflect objectionable lighting from all adjacent residential districts or adjacent residences.
2. Parking Lots. For non-residential uses, allowed in residential zoning districts such as churches, and municipal facilities, etc., all parking lots shall be subject to Section 27.11 (E).

**G. Prohibited Lighting Types.**

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

1. The use of search lights or any similar high-intensity light for outdoor advertisement or entertainment.
2. Flashing, moving, or intermittent-type lighting.
3. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes or architectural accent.
4. Exterior exposed luminous tube lighting except neon lighting used for signage.

**H. Exemptions.**

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

1. Sports fields.

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2. Swimming pools.
3. Holiday decorations.
4. Shielded pedestrian walkway lighting.
5. Street lights or lights within a public or private road right-of-way.

**I. Lamp or Fixture Substitution.**

Should any light fixture regulated under this Section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Building Department for administrative approval, together with adequate information to ensure compliance with the Zoning Ordinance, which must be received prior to substitution.

**Section 27.12 – Tree and Woodlands Protection** *(amended 08.03.00)***A. Declaration and Purposes.****1. Declaration.**

Uncontrolled development of the Township could result in an unregulated and, in many cases, unnecessary removal of trees and related resources, and other forms of vegetation and natural resources and processes. Regulation of the removal of tree resources will achieve a preservation of important physical, aesthetic, recreational, and economic assets for both present and future generations. Specifically, it is found that:

- a. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.
- b. Woodland growth protects public health through the absorption of air pollutants and contamination, including the reduction of excessive noise and mental and physical damage related to noise pollution.
- c. Trees, vegetation, and associated natural resources provide a material aspect of the character of the Township.
- d. Trees and woodland growth serve as an essential component of the general welfare by maintaining natural beauty, recreation, and irreplaceable natural heritage.
- e. Trees and woodlands increase the economic value of land for most uses.

**2. Purposes.**

The purposes of this Section are as follows, to be applied throughout the Township:

- a. To prohibit the unnecessary removal of trees on undeveloped land.
- b. To discourage the unnecessary removal of trees and woodland resources in connection with the development of land.
- c. To provide for the protection, preservation, proper maintenance, and use of trees and woodlands in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat.
- d. To protect the woodlands (including woodland resources) for their economic support of local property values when allowed to remain uncleared and/or unharvested in whole or in significant part, and for their natural beauty, character, and geological, ecological, or historical significance.

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- e. To provide for the paramount public concern for these natural resources in the interest of the health, safety, and general welfare of the residents of this Township, in keeping with Article IV, Section 52 of the Michigan Constitution of 1963, and the intent of the Michigan Natural Resources and Environmental Protection Act, PA 451 of 1994.

## B. Definitions.

The following definitions shall apply in the interpretation of this Section:

1. **Bona Fide Agricultural Use.** Agricultural use means land devoted as the principal use for the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. The management and harvesting of a woodlot is not an agricultural use under this act.
2. **Building Envelope.** The area of a building enclosed or to be enclosed by the exterior walls of the principal building on the property, and any other area designated in this Ordinance as such.
3. **Clear-cutting.** The removal within any five (5) year period of more than twenty percent (20%) of the total number of protected trees located on a parcel of land without a tree removal permit.
4. **Commercial Nursery.** A licensed plant or tree nursery in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale to the general public in the ordinary course of the licensee's business.
5. **Diameter Breast Height (d.b.h.).** A tree's diameter in inches measured by diameter tape at four and one-half (4 1/2) feet above the ground. On multi-stem trees, the largest diameter stem shall be measured.
6. **Drip Line.** An imaginary vertical line extending downward from the outermost tips of the tree branch to the ground.
7. **Landmark Tree.** Shall mean any tree which stands apart from neighboring trees due to the size, form, species or historic significance. Criteria pertaining to the size of landmark trees is listed in Section L of these regulations.
8. **Parcel.** All contiguous land situated in a lot or plot of land owned by a person.
9. **Person.** An individual, partnership, corporation, association, or other legal entity. For the purposes of this definition, an individual or entity shall mean and include all individuals in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest.
10. **Protected Tree.** Any tree having a **diameter breast height** (d.b.h.) of four (4) inches or greater and subject to the regulations of this Ordinance.
11. **Remove or Removal.** The act of removing or terminating the life of a tree by digging up or cutting down, or the effective removal through damage that would reasonably be expected to ultimately terminate the life of a tree.
12. **Transplant.** The relocation of a tree from one place to another on the same property.
13. **Tree.** Any self-supporting, woody plant of a species which normally grows to an overall height of fifteen (15) feet or more.
14. **Tree Survey.** A scaled drawing (one (1) inch shall not exceed one hundred (100) feet) which provides the following information: location of all protected trees (i.e., trees having four (4) inches or greater d.b.h.) plotted by accurate techniques, and the common or botanical name of those trees and their d.b.h.

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15. **Undeveloped.** A parcel of land that has not been improved. With respect to land which is partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or other improvements(s) shall be considered undeveloped.

16. **Woodland.** A stand of trees identified on the Township's Woodland Area Map.

C. Tree Removal Permit Required.

1. **Requirements.** A person shall not remove, transplant, or destroy, or cause to be removed, transplanted, or destroyed, on any undeveloped land in the Township, any protected tree (i.e., a tree having a d.b.h. of four (4) inches or greater) without first obtaining a Tree Removal Permit subject to the exceptions enumerated in Paragraph D below, "Exceptions".

2. **Plat or Site Plan Approval.** A subdivision plat and/or a site condominium or site plan shall not be approved by the Township until it has been reviewed and approved based upon the requirements for a Tree Removal Permit.

3. **Site Development Standards.** In addition to other requirements of this Section, compliance with the following standards is required in all developments:

a. **Structures.** The applicant shall designate the location of all proposed structures or building sites and the area around them to be disturbed. Such designation shall be made with the objective of preserving protected trees, and the Planning Commission or Building Official, as the case may be, shall have discretion to require reasonable adjustments in this regard during the approval process.

b. **Building Sites.** For each building site in a development, the applicant shall designate the "building envelope," which shall be the area enclosed or to be enclosed by the exterior walls of the proposed structure on the property, plus a reasonable area beyond such walls up to fifteen (15) feet, so long as the building or structure is not in any required setback. With the objective of preserving trees, and also allowing reasonable development, the fifteen (15) feet beyond each wall may be re-allocated so that the total distance on both sides of the exterior walls is thirty (30) feet (e.g., ten (10) feet on one side and twenty (20) feet on the other). The same treatment shall be authorized for areas beyond the front and back walls.

c. **Activities Within Building Envelope.** A Tree Removal Permit shall not be required for construction of structures or improvements or other activities within a building envelope.

d. **Activities Outside Building Envelope.** Subject to the exceptions enumerated in this provision, and in Paragraph D below, a tree removal permit shall be required to remove or cut a protected tree outside of the area designated for structures and building envelopes. The Planning Commission or Building Official, as the case may be, may issue an advanced written waiver of the requirement for a tree removal permit or mitigation when it is shown that tree removal is necessary and there is no reasonable alternative in connection with building location road access, driveways, utilities, septic fields or other disturbances customarily required for the particular development. The Planning Commission or Building Official may confer with other Township personnel and/or consultants in making decisions under this Section.

e. **Minimum Preservation Requirement.** For parcels five (5) acres or greater, the applicant shall preserve and leave standing and undamaged a minimum of eighty percent (80%) of the total number of protected trees on the lot having a d.b.h. of four (4) inches or greater. However, trees contained within the designated building envelope, streets, drives, and parking areas, or within required drainage or utility improvement areas and/or driveway and sidewalk areas, as determined by the Building Official or designee, shall not be included in the calculation for determining the required minimum preservation percentage.

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## D. Exceptions.

Notwithstanding the requirements of Paragraph 3 above, the following activities shall be permitted without a Tree Removal Permit, unless otherwise prohibited by statute or other ordinance provision.

1. Parcels Less Than Five Acres. Tree removal on a parcel containing less than five (5) acres. For the purpose of calculating the size of a parcel, all contiguous land owned in common by one (1) owner, shall be included in determining total acreage. The term "one owner" in this provision shall include all persons in an immediate family, and all entities in which an individual has more than a ten percent (10%) interest. This provision shall not exempt parcels from regulations under the terms of this Ordinance at the time of application for approval of plats, site plans, condominiums or other land divisions. *(amended 11.15.01)*
2. Activities Within Building Envelope or Building Site. No tree removal permit shall be required for construction of structures or other activities within a building envelope or building site. This shall include roads, road rights-of-way, driveways, essential utilities, retention/detention ponds, or septic fields.
3. Bona Fide Agricultural Use. Tree removal or transplanting occurring during use of land for bona fide agricultural operations. In determining whether the land has a bona fide agricultural operation, the nature of the use, the duration of its operation, and other relevant factors shall be considered.
4. Commercial Nursery. Tree removal or transplanting occurring during use of land for the operation of a commercial nursery that is licensed with the State of Michigan and has previously been in operation on the property for three (3) years or more, or the property owner records an affidavit that the commercial nursery shall continue in active operation for a period of no less than five (5) years.
5. Emergencies. Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order, and where it would be contrary to the interest of the public, or to the health or safety of one (1) or more persons to defer cutting pending submission and processing of a permit application. Unless life and property would be threatened, this exception shall not apply unless and until the Township Supervisor, or the Supervisor's designee, has approved the removal.
6. Governmental Agencies. Tree trimming, removal, or transplanting performed by, or on behalf of, governmental entities, Road Commission or agencies to the limited extent necessary to achieve authorized objectives of the entities or agencies.
7. Public Utilities. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees to the limited extent necessary to achieve authorized objectives of the utility.
8. Dead or Damaged Trees. Removal or trimming of dead or damaged trees, provided the Township has first confirmed in writing the dead or damaged condition upon request of the property owner.
9. Nominal Activity. Where the activity involves the removal or transplanting of three (3) or fewer trees having six (6) inches or greater d.b.h. within a one (1) year period, and is not related to the development of a parcel or construction of a building or structure.
10. Tree Management. Where a tree management plan prepared by a State of Michigan registered forester or other natural resource professional who is qualified to prepare such a plan is submitted to and approved by the Building Official or designee, who may confer with the Township expert at his or her discretion, tree cutting may occur in accordance with the plan without a permit. To qualify under this exception, tree management activity shall be for the purpose of reducing the density of trees so as to promote and maintain the health and viability of the remaining trees and/or for forest or woodland improvements generally; for promotion of wildlife habitat; for facilitation of appropriate forest-related or woodland-related recreational activities, including but not limited to hunting; and for other similarly acceptable silvicultural practices. The management plan shall include the means by which cut trees shall be removed from the property with the least possible damage to remaining trees. The person seeking approval and exemption under this provision

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may be required to establish an escrow with the Building Official for the purpose of covering the costs of the Township's expert.

**E. Application for Tree Removal Permit.**

1. **Application and Fee.** A person seeking a Tree Removal Permit must submit a written application to the Township Clerk and pay the permit application fee as established by resolution of the Township Board.
2. **Time of Application.** Application for a Tree Removal Permit shall be made before removing, cutting, or transplanting trees. Where the site is proposed for development necessitating site plan, site condominium or plat review, application for a Tree Removal Permit shall be made prior to or concurrent with site plan or final preliminary plat submittal. Where development of one (1) single-family home is proposed (on parcels of five (5) acres or more), application for tree removal permit shall be made prior to or concurrent with the building permit application.
3. One (1) **Single-Family Building Site.** For one (1) single-family building site on parcels of five (5) acres or more, the permit application shall include four (4) copies of a plan drawn to scale containing the following information:
  - a. **Property Dimensions.** The boundaries and dimensions of the property, and the location of any existing and proposed structure or improvement, and a statement identifying the type of structure or improvement.
  - b. **Inventory of Trees.** Location of all existing protected trees identified by common or botanical name. Trees proposed to remain, to be transplanted, or to be removed shall be so designated. The Building Official or designee may waive detailed tree inventory requirements for those areas of the site where proposed development will not impact regulated trees.
  - c. **Tree Protection.** A statement describing how trees intended to remain will be protected during development.
  - d. **Easements and Setbacks.** Location and dimension of existing and proposed easements, as well as all setbacks required by the Zoning Ordinance.
  - e. **Grade Changes.** Designation and description of grade changes proposed for the property.
  - f. **Intended Tree Replacement.** A cost estimate for any proposed tree replacement program, with a detailed explanation including the number, size, and species.
  - g. **Tree Identification.** A statement that all trees being retained will be identified by some method such as painting, flagging, etc., and, where protective barriers are necessary, that they will be erected before work starts.
  - h. **Structures, Building Envelope, Utilities, and Driveway.** The plan shall show the structures, building envelope, utilities, and driveway as existing and/or proposed on the property.
4. **Other Developments.** For other developments, including site plans, site condominiums or subdivisions, the permit applicant shall provide ten (10) copies of a plan containing the same information required for one (1) single-family building site, and the following additional information:
  - a. **Plan.** A topographical survey sealed by a registered engineer or registered surveyor shall be shown on the plat.
  - b. **Tree Survey.** A tree survey prepared by a State of Michigan registered forester, arborist, or landscape architect for all areas for which a Tree Removal Permit is required.

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- c. For larger sites over ten (10) acres in size containing more than one hundred (100) regulated trees, the Planning Commission may waive the detailed tree inventory requirements where it can be demonstrated that the proposed development will not impact woodland areas.
  5. For All Developments. For all developments, any proposed tree relocation or replacement, consistent with Paragraph H, below, shall be specified in the application, including a drawing and detailed explanation of the proposal.
- F. Application Review Procedure.
  1. Staff Review. The Building Official or designee shall review the submitted Tree Removal Permit application to verify that the applicant has provided all required information. Completed applications shall be referred to the appropriate consultants. Upon request of either the applicant or the Township, the Township may conduct a field inspection or review meeting. The Township personnel involved in the review shall submit their reports and recommendations to the Building Official, who shall forward them to the Planning Commission or Township Board, as appropriate, for further review.
  2. Reviewing Authority. Where the site is proposed for development necessitating site plan review, site condominium or plat approval by the Township Planning Commission, the Planning Commission shall be responsible for granting or denying the application for a Tree Removal Permit (subject to affirmation, reversal, or modification by the Township Board, with respect to plat approvals). Where site plan review or plat approval by the Planning Commission is not required by ordinance, the grant or denial of the Tree Removal Permit application shall be the responsibility of the Building Official or designee, following the right and opportunity of the Building Official or designee to confer with consultants. Where the use of a consultant is reasonably required, the property owner shall establish an escrow in an amount determined by Township Board resolution establishing fees, out of which the consultant's fee shall be paid. The decision to grant or deny a permit shall be governed by the review standards enumerated in Paragraph G, below.
  3. Denial of Tree Removal Permit. Whenever an application for a Tree Removal Permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial. If such decision is made by the Planning Commission or Township Board, it shall be a part of the minutes of the meeting at which action on a site plan, site condominium or plat review was taken. Denial of a tree removal permit may be appealed to the Zoning Board of Appeals, in accordance with the provisions of this Ordinance.
  4. Tree Removal Permit. Whenever an application for a Tree Removal Permit is granted, the reviewing authority shall:
    - a. Conditions. Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this Ordinance will be fulfilled and to minimize damage to, encroachment in, or interference with natural resources and processes within wooded areas, including, without any limitation, the trees to be preserved.
    - b. Completion of Operations. Fix a reasonable time, up to a maximum of eighteen (18) months, to complete tree removal, transplanting, and replacement operations, ensuring that plantings occur at correct times of the year. Such time may be extended, upon written request submitted thirty (30) days before expiration of the original permit, by the body or entity that approved the original permit.
    - c. Security. Require the permit grantee to file with the Township a cash or irrevocable bank letter of credit in an amount reasonably determined necessary by the Township to ensure compliance with the Tree Removal Permit conditions and this Ordinance in regard to transplanting and replacement of trees; provided, however, that security shall only be required if the developer is to perform the transplanting and/or replacement after six (6) months following grant of a permit, or to perform the transplanting and/or replacement after issuance of a Certificate of Occupancy. The security requirement may also be waived at the direction of the Planning Commission or Building Official. *(amended 08.15.16)*
    - d. Term of Permit. A tree removal permit issued under this paragraph shall be null and void if commencement of work permitted under the permit has not been commenced within a reasonable time,



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not to exceed twelve (12) months. In addition, a permit shall be void after the expiration of eighteen (18) months from the date of issuance. A six (6) month extension may be granted upon written request to the body or entity that approved the original permit. The request must be received forty-five (45) days before expiration of the original permit.

5. Time for Decision. Where a single, one-family home on a parcel five (5) acres or more is proposed, or where a site plan, site condominium, or plat review is required, the Township's decision on the application shall be issued within sixty (60) days of the date of the Township's receipt of a complete application for a Tree Removal Permit or from the time that the application is considered administratively complete; or if the application under this Section is being considered in conjunction with a companion application for development approval involving the same property, the Township's decision on the application under this Section shall be made concurrent with the decision on the other development proposal.

**G. Application Review Standards.**

The following standards shall govern the granting or denial of an application for Tree Removal Permit:

1. Limitation. Removal or transplanting of protected trees shall be subject to the Minimum Preservation Requirement set forth in Paragraph C (3), above, for site development, and removal or transplanting of protected trees shall otherwise be limited to instances where:
  - a. Necessary for Construction. Removal or transplanting is necessary for the construction of a building, structure, or other site improvement, and the permit applicant has shown there is no feasible and prudent location alternative on site for improvement; or
  - b. Disease, Damage, Etc. The tree(s) is demonstrated to the Township Building Official to be diseased, damaged, or in danger of falling; be located too close to existing or proposed buildings or structures; interfere with existing utility service or drainage; create unsafe vision clearance; or be in violation of other ordinances or regulations.
2. Minimum Preservation Requirements. Unless otherwise exempt from the regulations of this Ordinance, all sites shall maintain a minimum preservation as required in Subsection (C)(3)(e), above.
3. Preservation and Conservation. Tree preservation and conservation shall be of paramount concern and importance; provided, however, that an application shall not be denied solely because of the presence of trees on the site.
4. Developmental Alternatives. Preservation and conservation of wooded areas, trees, woody vegetation, wildlife, and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed buildings, structures, or other site improvements.
5. Diversity of Species. A diversity of tree species shall be maintained where feasible.
6. Clear-Cutting. Where the proposed activity consists of land clearing, or clear-cutting, it shall be limited to areas to be improved for roadways, sidewalks, drainage, and utilities and areas necessary for the construction of buildings, structures, or other site improvements as shown on an approved site plan, site condominium or subdivision plat. Clear-cutting of more than twenty percent (20%) of a site (excluding areas essential for development such as roads, drainage utilities, buildings etc.) shall be prohibited.
7. Relocation or Replacement. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with Paragraph H, and tree protection, in accordance with Paragraph I.

**27.12 Tree and Woodlands Protection****H. Tree Relocation or Replacement.**

1. Requirement Established. For each protected tree required to be preserved under the terms and standards set forth above, and which is permitted to be removed by permit granted under this Section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth below.
2. Replacement Tree Requirements.
  - a. Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be State Department of Agriculture Nursery Grade No. 1 or better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and watered, and shall be guaranteed by the applicant for two (2) years. An agreement together with appropriate security (cash or letter of credit) in a form approved by the Township, shall be provided in connection with such guaranty.
  - b. Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.
  - c. For deciduous trees, replacement shall be on a one-for-one basis. For example, for each tree removed, a replacement tree shall be planted. All replacement trees shall have a d.b.h. of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet tall.
  - d. One (1) landmark tree shall be replaced at a rate of one (1) inch of replacement tree for each d.b.h. inch of landmark tree removed.
  - e. Trees listed in Section 27.05 (E) shall not be permitted as replacement trees.
  - f. The Planning Commission shall be authorized to waive a portion or all of the tree replacement requirements when site factors, tree conditions, or development requirements preclude reasonable actions to conform with this Section, and the applicant proposes a contribution to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.
3. Replacement Tree Location.
  - a. Township Approval Required. The Township shall approve tree relocation or replacement locations. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.
  - b. Relocation or Replacement Off-Site. Where it is not feasible and desirable to relocate or replace trees on site, as determined by the Township decision-maker under this Section, relocation or replacement may be made at another location in the Township, approved as part of the permit. This shall not preclude reasonable actions to conform with this Section or contributions to the Tree Fund, created in Paragraph M, below, in an amount reasonably related to the cost of the tree replacement being waived.

**I. Tree Protection During Construction.**

1. Placing Materials Near Tree. No person may conduct any activity within the drip line of any protected tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment, or soil deposits within the drip line.
2. Attachments to Trees. During construction, no person shall attach any device to any remaining protected tree except for the protection of a tree in accordance with forestry procedures.
3. Protective Barrier. Before development, land-clearing, filling, or any land alteration for which a Tree Removal Permit is required, the applicant shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the Township authorizes their removal or issues a final Certificate of Occupancy, whichever occurs first. Wood, metal or other substantial material shall be utilized

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in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

- a. Rights-of-Way and Easements. Street right-of-way and utility easements may be cordoned by placing stakes a minimum of fifty (50) feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
- b. Large, Separate Areas. Large property areas separate from the construction or land clearing area, onto which no equipment will travel or be stored, may also be cordoned off as described in Subparagraph (a) above.

J. Display of Permit: Stop Work. Certificate of Occupancy.

1. Display of Permit. The tree removal permit grantee shall conspicuously display the permit on site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed. The permit grantee shall allow Township representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this Section.
2. Stop Work: Withholding Certificate of Occupancy. The Building Official may issue a stop work order if this Section is being violated, or if the Permittee is failing to conform with any conditions attached to a Tree Removal Permit. In addition, the Building Official may withhold issuance of a Certificate of Occupancy until a violation or conformance with a condition has been cured; provided, however, the Building Official may, in his or her discretion, issue a temporary Certificate of Occupancy, conditioned upon the posting of reasonable security coupled with an agreement in a form approved by the Township guaranteeing the cure of a violation or condition.
3. Pursuit of Court Relief. In addition to all other remedies available, the Township may issue a citation or initiate Circuit Court litigation to achieve compliance with this Section.

K. Historic or Landmark Trees.

A nomination for designation shall be brought up for consideration by the Planning Commission.

1. Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree Inventory.
2. The Planning Commission may designate a tree, upon nomination, as a historic tree upon finding that one (1) or more of the following unique characteristics exist:
  - a. The tree is the predominant tree within a distinct scenic or aesthetically valued setting.
  - b. The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)
  - c. The tree has gained prominence due to unusual form or botanical characteristics.
  - d. The tree has some historical significance to the Township.
3. The Building Department shall maintain an inventory of all nominated and designated Historic Landmark Trees.
4. A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1-to-1 caliper inch basis. For example, a 48" landmark tree shall be replaced by 24 two-inch trees. This

**27.12 Tree and Woodlands Protection**

replacement requirement may be waived if, in the opinion of the Planning Commission and after review by the Township's consultant, the health/condition of the tree is such that it should not be counted.

L. Landmark Trees.

1. The following landmark trees shall be protected under this Section:

COMMON NAME	BOTANICAL NAME	SIZE D.B.H.
All Trees	-----	36" or greater
Arborvitae	Thuja	18"
Beech, American	Fagus grandifolia	24"
Birch	Betula	24"
Black Walnut	Juglans nigra	24"
Blue Ash	Fraxinus quadrangulata	24"
Blue-Beech	Carpinus caroliniana	24"
Chestnut	Castanea	10"
Crabapple/Hawthorne	Malus/Crataegus	12"
Dogwood, Flowering	Cornus florida	6"
Eastern Red Cedar	Juniperus virginiana	12"
Fir	Abies	24"
Ginkgo	Ginkgo	18"
Hemlock	Tsuga	24"
Hickory	Carya	24"
Hop-Hornbeam	Ostrya virginiana	8"
Kentucky Coffeetree	Gymnocladus dioicus	20"
Larch/Tamarack	Larix	18"
London Planetree/Sycamore	Platanus	24"
Maple (Red)	Acer rubrum	24"
Maple (Silver)	Acer saccharinum	36"
Maple (Sugar)	Acer saccharum	24"
Maple (Norway)	Acer platanoides	24"
Maple (Amur)	Acer ginnala	8"
Maple (Box Elder)	Acer negundo	36"
Oak (All species)	Quercus	24"
Pine (All species)	Pinus	30"
Poplar	Popullis	36"
Redbud	Cercis canadensis	6"
Sassafras	Sassafras albidurn	15"
Serviceberry	Amelanchier	6"
Spruce	Picea	24"
Sweetgum	Liquidamber styraciflua	24"
Tulip Poplar	Liriodendron tulipifera	24"
Wild Cherry	Serotina	24"
Witch-Hazel	Hammamelis virginiana	6"

M. Tree Fund.

1. A Tree Fund is hereby created as the depository for all monies proposed to be paid by applicants in lieu of tree replacement or relocation, as provided in this Section.
2. The Township Board shall administer the Tree Fund, with the objective of pursuing the planting of trees within the Township. In the administration of the Tree Fund, the Township Board shall, if reasonably feasible, attempt to purchase and install trees within a reasonable proximity of the development in connection with which funds have been paid to the Tree Fund.

## 27.13 Regulated Uses

**Section 27.13 – Regulated Uses** *(added 03.04.02)*

## A. Intent and Purpose.

In the development and execution of this Ordinance, it is recognized, based upon studies undertaken and reported by other communities, that there are some uses which, because of their very nature, are recognized as having serious objectionable, operational characteristics when concentrated with certain other uses under certain circumstances, thereby having a deleterious effect upon adjacent areas, as well as the community as a whole. Relying on such studies, the Township Board has concluded that special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this Section. This regulation is for the purpose of preventing adverse secondary effects associated with such uses.

The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution, or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinance or State or Federal law. If any portion of this Ordinance relating to the regulation of such businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

## B. Regulated Uses.

The following uses are considered "regulated uses":

1. Adult Uses (i.e. adult arcade, adult book store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency)
2. Sexually Orientated Businesses
3. Sexual Encounter Centers

## C. Regulated Use Definitions.

1. Adult Uses include:
  - a. **Adult Arcade.** A place to which the public is permitted or invited to view motion pictures, video or laser disc pictures or other products of image-producing devices where the images displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".
  - b. **Adult Book Store.** Adult novelty store or adult video store, defined as a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration, reading materials, photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".
  - c. **Adult Cabaret.** A night club, bar, restaurant, or similar commercial establishment which regularly features: persons who appear in a state of nudity or semi-nudity; live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, films, motion pictures, video cassettes, slides or other photographic reproductions which are

## 27.13 Regulated Uses

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

- d. **Adult Motel.** A hotel, motel, or similar commercial establishment that:
    - i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and has a sign visible from the public right of way that advertises the availability of any of the above;
    - ii. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
    - iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
  - e. **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
  - f. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
  - g. **Escort Agency.** A person or business association who furnishes or offers to furnish, or advertises escorts as one of its primary business purposes for a fee, tip, or other compensation. This shall not include persons or business associations that furnish individuals whose function is to provide assistance to senior citizens, or to persons who are physically or mentally handicapped.
2. **Sexually Orientated Business.** A business or commercial enterprise engaging in any of the following: (a) adult arcade; (b) adult bookstore or adult video store; (c) adult cabaret; (d) adult motion picture theater; (e) adult theater; (f) escort agency; (g) sexual encounter center.
  3. **Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
    - a. Physical contact, in the form of wrestling or tumbling, between persons of the opposite sex; or
    - b. Activities between male and female persons and/or persons of the same sex, when one (1) or more of the persons is in a state of nudity.
- D. Other Definitions.
1. **Escort.** A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie, or to privately perform a strip tease for another person.
  2. **Nudity/State of Nudity.** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or a showing of the covered male genitals in a discernibly turgid state. Public nudity does not include:
    - a. A woman breastfeeding, whether or not exposed.
    - b. Material defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.

## 27.13 Regulated Uses

- c. Sexually explicit visual material defined in Section 3 of Act 33 of the Public Acts, being Section 722.673 of the Michigan Compiled Laws.
  3. **Principal/Primary Purpose.** A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the material identified and still be categorized as an Adult Bookstore, Adult Video Store or Adult Novelty Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.
  4. **Semi-Nude/Semi-Nude Condition.** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.
  5. **Specified Anatomical Areas.** The human male genitals in a discernibly turgid state, even if completely or opaquely covered; or less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
  6. **Specified Sexual Activities.** Includes any of the following: the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or excretory functions as part of or in connection with any of the activities previously mentioned in this definition.
- E. Location and Additional Requirements.

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

1. No regulated use may be located within one thousand (1,000) feet of another regulated use.
2. No regulated use may be located in or within seven hundred fifty (750) feet of any residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than 18 years of age) activities.
3. The regulated use shall be measured in a straight line from the nearest property line upon which the proposed regulated use is to be located to the nearest property line of the residential zoning district, school property, church, public park, child care facility, nursery, pre-school, a lot or parcel in residential use or other use which is primarily oriented to youth (less than 18 years of age) activities.
4. Regulated uses shall be permitted in the LI, Limited Industrial District as defined in Sections 16.00 – 16.04 of the Zoning Ordinance and deemed special land uses subject to the standards and approval requirements as provided in Section 30.02.
5. No regulated use shall be located in any principal or accessory structure already containing a regulated use.
6. The proposed regulated use must meet all applicable written and duly promulgated standards of the Township and of other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
7. The proposed regulated use shall conform to all standards of the zoning district in which it is located.
8. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or the adjacent roadways.

**27.13 Regulated Uses**

9. Entrances to a proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: a) "Persons under the age of 18 are not permitted to enter the premises," and b) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission".
  10. Sexually oriented business hours of operation shall be limited to 9:00 a.m. to 11:00 p.m., Monday through Saturday.
  11. All off-street parking areas shall comply with Township Ordinances and shall additionally be illuminated during all hours of operation of the sexually oriented business, and until one (1) hour after the business closes.
  12. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of "specified anatomical areas" or "specified sexual activities":
    - a. Is handicap accessible to the extent required by the Americans with Disabilities Act.
    - b. Is unobstructed by any door, lock or other entrance and exit control device.
    - c. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
    - d. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
    - e. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.
  13. No person operating a sexually orientated business shall permit any person under the age of 18 years of age to be on the premises.
  14. No person shall reside in or permit any person to reside in the premises of a regulated use.
  15. Any prior existing, nonconforming use or permitted use abandoned for ninety (90) days shall be required to re-apply for special land use approval.
- F. Appeal to Township Board of Trustees.

If the Planning Commission denies a site plan, application for a special land use permit, or both, for a regulated use, the applicant shall be entitled to prompt review of the denial by the Township Board of Trustees as set forth in Section 30.02.

G. Existing Structures.

Except as otherwise provided in this Ordinance, existing structures and/or uses which are in violation of this Section shall be subject to the regulations set forth in Article XXVII, Section 27.01 of this Ordinance, governing nonconforming structures and uses.

**Section 27.14 – Access Management** *(added 10.21.02)*

A. Statement of Purpose.

The purpose of this section is to recognize the correlation between land use decisions and traffic safety and operations. This section provides for the accurate evaluation of expected impacts of proposed projects to assist in decision-making. This section of this Ordinance is intended to regulate site plans, PUD's, plats, private road/lot splits, etc.; it is not intended to regulate an individual single-family residential dwelling site. However, the



**27.14 Access Management**

Building Official may apply the standards of this Ordinance to one single-family residential dwelling site, as appropriate. It is further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and format for preparing traffic impact studies.
2. Allow the community to assess the effects that a proposed project may have on the community by outlining necessary information and evaluation procedures to be used.
3. Provide clear access standards and roadway improvement policies that provide property owners with reasonable access and relate improvements to those specifically and uniquely attributable to the proposed development.
4. Ensure safe and reasonable traffic operating conditions on streets and at intersections after development of the proposed site.
5. Reduce the negative impacts created by individual developments by helping to ensure the transportation system can accommodate the expected traffic in a safe and effective manner.
6. Realize a comprehensive approach to the overall impacts of developments along major thoroughfares, rather than a piecemeal approach.
7. Protect the substantial public investment in the existing roadway system.

**B. Definitions.**

The following definitions shall apply in the interpretation of this section.

1. **Arterial Road.** A major road with continuity within and/or beyond the community, which is intended to serve as a large volume highway for both the immediate community area and the region beyond.
2. **Buffer Area.** An area of the public right-of-way adjacent to a roadway which serves as a physical barrier to vehicular travel between road traffic and activity on the private property.
3. **Clear Vision Area.** Land acquired or used by, and in accordance with standard practices of, the agency having jurisdiction over a street for the purpose of maintaining unobstructed vision.
4. **Collector Road.** A road with limited continuity that is intended to serve as a major means of access from local roads to arterial roads, including principal entrance roads to large scale developments.
5. **Commercial Driveway.** A driveway serving a commercial establishment, industry, governmental or educational institution, hospital, church, apartment building, mobile home park, and all other facilities not included in the definitions for residential, field, or utility structure driveways.
6. **Directional Driveway.** A driveway system designed so that traffic leaving the road is separated from and does not conflict with traffic entering the road (with critical turning movements to and from the property restricted) at certain access points.
7. **Divided Driveway.** A driveway so designed that traffic entering the driveway is separated by a traffic island from the traffic leaving the driveway.
8. **Frontage.** The private property line that abuts the road right-of-way.
9. **Limited Access.** Road right-of-way in respect to which owners or occupants of abutting lands and other persons have no legal right to access to or from the road except at designated access points, determined by the public authority having jurisdiction over such road, street, or highway.

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10. **Local Road.** A road of limited continuity, used primarily for access to abutting properties.
11. **Major Thoroughfare.** Roads other than local roads. The term refers to both arterial and collector roads.
12. **Residential Driveway.** A driveway serving a private single-family or multi-family dwelling.
13. **Sight Distance.** The length of road a specified object is visible to the driver.

**C. Application of Standards for Major Thoroughfares.**

1. The standards of this section shall be applied to land uses within all Zoning Districts located on a Major Thoroughfare, as designated in the Township Master Plan, and shown as an arterial or collector street on the Master Functional Classification Map.
2. A traffic impact study shall be required for a rezoning, site plan, subdivision plat, or development plan, under any of the following situations:
  - a. For any proposed rezoning, whether consistent or not with the current Master Land Use Plan, when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day. The traffic impact study shall evaluate the changes between the potential uses that are the most-intense trip generators under the current zoning and the zoning being requested.
  - b. For any proposed site plan or development, when the proposed uses could generate at least one hundred (100) trips during the peak hour or over seven hundred fifty (750) trips in an average day.
  - c. For other proposed development projects, as may be requested by the Planning Commission. Examples may include projects requiring Special Land Use permits or Planned Unit Developments.
3. The access management and driveway standards contained herein shall be required in addition to, and, where permissible, shall supersede, the requirements of the Michigan Department of Transportation (MDOT) and/or the Road Commission for Oakland County (RCOC).
4. For expansion and/or redevelopment of existing sites, where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situations, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates that all of the following apply:
  - a. Size of the parcel is insufficient to meet the dimensional standards.
  - b. The spacing of existing, adjacent driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.
  - c. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
  - d. There is no other reasonable means of access.

**D. Traffic Impact Study.**

The developer of any proposed development shall submit to the Township, at the time of site plan application, a Traffic Impact Study. This study shall be prepared by a Professional Engineer registered in the State of Michigan or Community Planner with AICP or PCP certification with education and experience in transportation planning and/or traffic engineering. The scope and study area shall be determined by the Township Engineer and/or Township Planning Commission. The study shall be presented in a straightforward and logical sequence. Data

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should be presented in tables, graphs, maps, and diagrams whenever possible for clarity and ease of review. The contents of the study shall include:

1. Description of Site, Surroundings, and Study Area. Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system, including functional classification, number of lanes, speed limits, etc. This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements.
2. Description of Requested Zoning or Use.
  - a. For a rezoning or Master Land Use Plan amendment, a description of the potential uses which would be allowed, compared to those allowed under current zoning, should be provided.
  - b. For a site plan, plat, or development plan, a description of factors such as number and types of dwelling units, the gross and usable floor area, or the number of employees should be provided.
3. Description of Existing Traffic Conditions.
  - a. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configurations, geometrics, signal timing, posted speed limits, and any sight distance limitations.
  - b. Traffic Counts. Existing conditions, including peak-hour volumes and daily volumes on roads adjacent to the site should be provided. Existing counts and levels of service calculations for intersections in the vicinity which are expected to be impacted should be provided. Traffic count data shall not be over three (3) years old, and shall be adjusted by a growth factor to reflect current conditions. Counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts on other weekdays or on weekends may be required in some cases, as requested by the Planning Commission.
  - c. Traffic Crash Data and Analysis. Crash data shall be evaluated, covering the most recent three (3) years of available information for the study area.
  - d. Road Right-of-Way. The existing road right-of-way shall be identified, along with any planned expansion of the right-of-way by the applicable road agency.
4. Background Traffic Growth. For any project with an anticipated completion date beyond one (1) year from the time of the study, the analysis shall also include a scenario analyzing forecast traffic at the date of completion. The forecast shall be based on long range projections from a network traffic assignment model, if available, historic annual percentage increases, and/or future development in the area which has been approved.
5. Trip Generation.
  - a. Trip generation of the proposed use shall be forecasted for the a.m. (if applicable) and p.m. peak hour and the average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE).
  - b. If a particular land use code in Trip Generation has a data set that is statistically significant, then a value one standard deviation above the average value of the data set shall be used. If it is not statistically significant, then the maximum value of the data set shall be used.
  - c. Alternately, a published or unpublished trip generation study for a comparable development may be utilized, if performed by a Professional Engineer and subject to review and approval by the Township Engineer.

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- d. Trip reduction for pass-by trips, ride-sharing, transit, etc. are generally not allowed, without specific approval of the Township.
  - e. For projects intended to be developed in phases, the trip generation by phase shall be described.
6. Trip Distribution. The projected traffic generated shall be distributed for inbound and outbound movements onto the existing road network to forecast turning movements at site access points and nearby intersections, where required. Forecasted turning movements shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be included.
  7. Impact Analysis.
    - a. Capacity or level-of-service (LOS) analysis at the proposed access points and intersections to be reviewed shall be performed using the procedures outlined in the most recent edition of Highway Capacity Manual, published by the Transportation Research Board. Generally, capacity analyses shall be performed for all intersections in the study area where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, and/or locations experiencing a relatively high crash rate.
    - b. Gap studies and/or traffic signal warrant studies for unsignalized intersections should be provided, where applicable.
  8. Other Study Items.
    - a. The need for, or provision of, any additional road right-of-way.
    - b. Changes which should be considered to the plat or site plan layout.
    - c. Description of any needed safety path facilities.
    - d. The adequacy of the queuing (stacking) area for a drive-through facility, or other facilities of concern.
    - e. Evaluation of sight distances at proposed site driveways.
  9. Mitigation and Alternatives. The study shall outline mitigation measures specifically and uniquely attributable to the development that are needed to maintain traffic flow to, from, and within the site at an acceptable and safe level. It shall demonstrate any changes to the level-of-service (LOS) achieved by these measures. The mitigation measures may include, but are not limited to, items such as roadway widening, passing lanes, turning lanes, deceleration tapers /lanes, changes to signalization, use of access management or travel demand management techniques, and the reduction in the proposed intensity of development.
- E. Access Controls. *(amended 07.16.18)*

A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be by way of a local road, shared driveway or a marginal access (service) drive. Where it is not possible to provide shared access, this access may be by a single driveway. The control of driveway and local road access to major thoroughfares in the Township is critical to the safe and efficient operation of these facilities. Experience has shown that implementation of these policies will minimize highway congestion and crashes, while creating more attractive, functional, and economically viable places throughout the Township.

The following policies apply to all roadways designated as major thoroughfares on the Master Functional Classification Map Plan for Orion Township:

1. Direct Access. The number of driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. No more than one (1) driveway (or a one-way pair) is allowed per property, unless appropriate

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documentation is provided demonstrating the need for additional driveways. Additional driveways may be permitted for a property only under one of the following:

- a. One (1) additional two-way driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet, and one (1) additional two-way driveway for each additional five hundred (500) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.
  - b. Two (2) one-way driveways may be permitted along a frontage of at least one hundred twenty-five (125) feet, provided that the driveways do not interfere with operations at other driveways or along the road.
  - c. The Planning Commission may determine additional driveways are justified due to the amount of traffic generated by the use, without compromising traffic operations along the public road, based upon a traffic impact study submitted by the applicant. Similarly, they may determine that additional driveways are required due to community interests, such as emergency vehicle access or to avoid unduly concentrating traffic into or out of the site.
2. Indirect Access. The use of shared driveways, service roads, and cross access, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted herein, or where the Planning Commission determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, access from a side road, a shared driveway, or service street connecting two (2) or more properties or uses may be required. In particular, service drives, frontage roads, or parking lot maneuvering lane connections between lots or uses may be required in the following cases:
- a. Where the driveway spacing standards of this section can not be met.
  - b. When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
  - c. The site is along a corridor within the Township where there is congestion or a relatively high number of accidents.
  - d. The property frontage has limited sight distance.
  - e. The Fire Chief recommends a second means of emergency access.
3. Re-Circulation of Traffic Within Sites. If developments are proposed that utilize one-way circulation aisles, the site shall be configured to allow the re-circulation of traffic within the site without the need to first exit out onto the street system. For those developments that utilize cross access with adjacent properties, re-circulation of traffic may occur through the cross access, upon approval of the Planning Commission.
4. Interconnection Requirements Between Plats/Site Condos. All plats or site condominiums constructed after the adoption date of this Ordinance shall provide an interconnecting street or dedicated easement to adjacent vacant properties and/or existing developments, when determined feasible by the Planning Commission. Therefore, all interconnecting streets shall be designed to a similar standard and, whether public or private, shall be coordinated with adjacent property owners.
5. Access Conflicts With Major Intersections. Driveways should be located and designed to minimize interference with the operation of left-turn lanes at arterial road intersections.
6. Participation in Signal Costs. Where traffic signals are required to serve a private development, and are anticipated to meet traffic warrants, the property owner shall contribute to the cost of installing and operating the traffic signal on a basis determined by the appropriate road agency. When signal spacing or other considerations warrant, or are anticipated to warrant, traffic signal interconnection, as determined by the appropriate road agency, the cost of interconnection shall be included in a signal installation.

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7. Roadway Improvement Design Concepts. In the event that roadway widening is proposed to provide for safe access into the development for left-turning traffic, the Township encourages the provision of center lanes for left turns, and discourages the use of passing lanes. Passing lanes shall not be permitted if any portion of the passing lane or its tapers overlap or fall within two hundred (200) feet of an existing center lane for left turns or its tapers. In such cases, the existing center lane for left turns shall be extended to provide turning storage for access to the proposed development.
8. Pedestrian Access. Pedestrian and bicycle access to and from the proposed uses and the safety path facilities planned by the Township is required.

**F. Driveway Standards.**

All plans and drawings relating to the provision and design of proposed public or private roads or driveways shall be required to conform with the Application Data Requirements - Detailed Information portion (Section 30.01 (E)(2)) of this Ordinance. In addition, the following information and conformance to the standards of this section shall be required.

1. Site Plan / Plat Drawing Requirements. The plans submitted shall clearly indicate the following features:
  - a. Existing road pavement markings, ditches, limited access rights-of-way, easements to provide a clear vision areas, street appurtenances, medians (if existing) and dimensions thereof, and driveways on adjacent property within two hundred (200) feet each direction from subject property line and on property opposite the frontage.
  - b. Design standards (in accordance with these policies) of all driveways, tapers and right-turn and passing lanes to be constructed, reconstructed, relocated, surfaced, resurfaced, operated, used or maintained to include the following dimensions and features:
    - i. widths of all driveways;
    - ii. radii of driveway returns and other points of curvature;
    - iii. driveway grades or profile views of driveways;
    - iv. angle of the driveway(s) relative to the roadway edge of pavement;
    - v. dimensions of roadside channelizing or control islands and other traffic islands adjacent to the road;
    - vi. driveway surface material and traffic island surface material;
    - vii. proposed traffic controls for driveway(s), including any signs, pavement markings, or turn prohibitions;
    - viii. sight distances for the approach;
  - c. Distance from existing driveway(s) and proposed driveway(s) to the nearest intersecting street or cross road and dimensions to property lines extended to the street pavement and buildings and business appurtenances.
  - d. All roadside features, in addition to driveways, to be constructed within the road right-of-way, including roadside control islands, curbs, sidewalks, authorized traffic signs, and other roadside features such as manholes and poles.

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- 2. Driveway Locations.
  - a. Driveways shall be so located that no undue interference with the free movement of road traffic will result, to provide the required sight distance, and the most favorable driveway grade.
  - b. Driveways, including the radii, but not including right-turn lanes, passing lanes and tapers, shall be located entirely within the permit applicant's right-of-way frontage, unless the driveway is being shared by adjacent property owners. This right-of-way frontage is determined by projecting the property lines to the edge of pavement of the road. Encroachment of curb and radii on adjacent right-of-way frontage shall be permitted only upon written certification from the adjacent property owner agreeing to such encroachment or as necessary to preserve the safety of the road.
- 3. Driveway Spacing Between Driveways. The minimum spacing between two (2) driveways on the same side of the street shall be based upon posted speed limits along the parcel frontage. The minimum spacings indicated below are measured from centerline to centerline.

DRIVEWAY (TWO-WAY) SPACING STANDARDS

Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	125
30	150
35	175
40	200
45	230
50 +	275

For sites with insufficient street frontage to meet the above criterion, the Planning Commission may require construction of a driveway out to a side street, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the other driveway, or require a service drive /frontage road.

- 4. Driveway Spacing From Intersections. A proposed driveway should be located as far as practicable from an intersection, either adjacent to it or on the opposite side of the road. The distance may be set on a case-by-case basis by the Planning Commission during site plan review, but in no instance shall be less than the distances listed above (DRIVEWAY SPACING STANDARDS). For sites with insufficient road frontage to meet the above criterion, the Planning Commission may require construction of the driveway along a side road, a shared driveway with an adjacent property, construction of a driveway along the property line farthest from the intersection, or require a service/frontage road.
- 5. Driveway Offsets. To reduce left-turn conflicts, new driveways should be aligned with driveways or roads on the opposite side of the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet along an arterial highway and one hundred fifty (150) feet along collector roadways. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways, or sight distance limitations.
- 6. Measuring Driveway Spacing and Offsets. For the purposes of determining the distances between driveways, their offsets to one another, and the spacing to intersections, the measurement shall be based on extending the centerline of the driveway(s) out to the center of the traveled portion of the road, and measuring along the center of the road.

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7. Clear Vision Areas and Buffer Areas.

- a. At intersections or railroad crossings where the road agency controls limited access right-of-way or easements to provide a clear vision area, no driveway shall enter or cross any part of that clear vision area.
- b. Adjacent to driveways, a buffer area between the right-of-way line and the pavement edge shall be used to provide a physical barrier between moving traffic and private property. A buffer area is needed to provide an unobstructed vision area and to physically prohibit potentially hazardous movement of vehicles (especially at undesirable angles of approach) from and to the road. The buffer area shall consist of a lawn area, a low shrub area, a ditch, or equivalent method to be permanently established. Where encroachment of parked vehicles takes place or may take place, the Township may require establishment of a buffer area by curb, guardrail, guard posts, or equivalent method. In every case, an area of unobstructed vision shall be provided at either side of a driveway. This may require the removal of trees, brush, earthen embankments, and other obstructions.
- c. All driveways shall provide an unobstructed clear vision area, between a height of three (3) feet and eight (8) feet, as measured from the road surface, in a triangular shape measured fifteen (15) feet back from the point of intersection of the driveway edge and the road right-of-way.

8. Sight Distance. The minimum and desirable sight distance for the indicated types of approaches shall be in accordance with the following tables:

a. Commercial Driveways and Private Roads.

Speed Limit, MPH	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	360	430	490	560	620	680	760
Desirable Sight Distance, ft.	360	430	530	660	830	1030	1240

b. Residential Drives, When Driving Forward Out Of The Driveway.

Speed Limit, MPH	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	250	300	350	400	450	500	550
Desirable Sight Distance, ft.	360	430	490	560	620	680	760

c. Residential Drives, When Backing Out Of The Driveway.

Speed Limit, MPH	25	30	35	40	45	50	55
Minimum Sight Distance, ft.	300	350	400	450	500	550	600
Desirable Sight Distance, ft.	375	440	520	600	700	830	980

- d. Sight distance shall be measured fifteen (15) feet from the edge of pavement. The eye height will be assumed to be 3.25 feet and the object height will be two (2) feet. The posted speed limit will be used to determine the required sight distance.

9. Driveway Details. Driveways shall be designed according to the applicable standards of the MDOT or RCOC and in accordance with the following:

- a. For high traffic generators, or for driveways along roadways experiencing or expected to experience congestion, all as determined by the Planning Commission, two (2) egress lanes may be required, one being a separate left-turn lane.
- b. Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate emergency vehicles. The minimum area of the island shall be one



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hundred eighty (180) square feet. The Planning Commission may require landscaping of the area located outside the public right-of-way. Such landscaping shall be tolerant of roadway conditions. Direct alignment of boulevard entrances across from one another is discouraged.

**Section 27.15 – Open Space Preservation** *(added 12.16.02)***A. Intent and Purpose.**

The intent of this Ordinance is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas, in accordance with Act 110 of the Public Acts of 2006. *(amended 08.06.07)*

**B. Eligibility Requirements.**

This Ordinance shall be applicable to residential properties zoned Suburban Farms (SF), Suburban Estates (SE), and Suburban Ranch (SR), if such properties are served by municipal sewers, and to properties zoned SF, SE, and SR if the properties are not served by municipal sewers. The provisions in this section shall supplement the existing regulations applicable within the referenced zoning districts, in the event a developer or owner of property elects to submit its proposed development under the open space preservation option provided in this section.

**C. Open Space Preservation Option.**

Property meeting the eligibility requirements of this section may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the approving body, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this section.

**D. Density Calculation.**

The density of dwelling units shall not exceed the density customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and with all applicable laws and ordinances being observed.

1. A parallel plan shall be submitted to the Township Board in order to establish the maximum permitted density. The parallel plan shall identify how a parcel could be developed under the conventional standards of the specific zoning district in which the property is situated (without application of this section), and the requirements of all other applicable State and municipal regulations and standards. The parallel plan shall provide lots with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary roads and road-related improvements, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on the parallel plan including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan; however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.
2. The Township Board shall make the determination that a parallel plan is acceptable once it meets all applicable Township ordinance requirements and, based on the parallel plan, determine the number of units to be permitted under the open space preservation option provided in this section.

**E. Design and Application Requirements.**

The following design and application requirements shall apply to a proposed open space development under this section. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed as a subdivision under the Land Division Act, and otherwise incorporated into a site plan in accordance with the requirements of this Ordinance.

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1. A minimum of fifty percent (50%) of the gross site area shall be preserved as permanent open space in an undeveloped state in the manner set forth in Section F, below.
2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features including, but not limited to, the following; however, in an open space development under this section, an "undeveloped state" shall not include a golf course:
  - a. Wetlands, floodplains, and natural watercourses;
  - b. Woodlands;
  - c. Scenic views;
  - d. Historical structures;
  - e. Recreational pathways and other permitted recreational facilities;
  - f. Buffers from major thoroughfares and more intense land uses; and
  - g. Similar features acceptable to the approving body.
3. The applicant for an open space development shall be entitled to an approval under this section, provided the following aspects of the proposed development plan shall be reviewed, following a public hearing, for discretionary approval by the approving body:
  - a. The area and width of the resulting individual lots and building setback requirements under the open space preservation option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located, to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width, and setback requirements shall include: the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the particular zoning district. Final area, width, and setback requirements under the open space preservation option plan shall be approved by the Planning Commission, in the manner set forth in Section G, below.
  - b. Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed, for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope, in which a proposed residence may be constructed and used, including all likely improvements, such as decks, patios, and all other likely improvements to and for such residence, in conformance with the setback and other area requirements established under this section. Any exceptions to the setback and other area requirements established by the approving body shall require a variance from the Zoning Board of Appeals.
4. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access, providing perpetually existing and maintained pedestrian accessibility to all lots.
5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned safety paths, where feasible, as determined by the approving body.
6. Approval of an open space option development does not constitute a change in the zoning of the property and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.

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7. Restrictions.
  - a. Nothing in this section shall allow the construction of multi-family residential units in a single-family residential district.
  - b. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
  - c. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, and considering the existing and anticipated future use of such services and facilities.
  - d. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise, and other applicable and relevant planning and/or engineering considerations.
  - e. Any proposed development utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Public Act 177 of 2001, comply with all zoning regulations and design standards applicable to the property.

**F. Open Space Maintenance and Preservation.**

1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the Township attorney prior to acceptance by the approving body.
2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

**G. Review Process.**

1. Prior to submission of a proposed open space preservation option plan, the developer shall submit a parallel plan for review by the Township Board in accordance with Section D, above.
2. Upon approval of the parallel plan by the Township Board, a proposed open space preservation option plan shall be submitted to the Planning Commission and reviewed in accordance with the procedure applicable under this Ordinance to the type of development being proposed (i.e., subdivision, condominium, etc.) and in accordance with the development standards in this section and other applicable ordinances.
3. In addition to all other submittals and information required under this Ordinance, all open space preservation option plans submitted to the Planning Commission shall include a resource inventory that contains the following:
  - a. All floodplains, wetlands, and bodies of water;
  - b. A woodlands analysis, identifying all regulated woodlands;
  - c. All wildlife habitat areas;
  - d. An analysis of on-site soils and topography to identify limitations to development; and
  - e. An analysis of the cultural features of the site including, but not limited to, scenic views, historic structures, patterns of original farm fields, fences or stone walls, and recreational uses.

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4. In addition to all other review considerations applicable under other sections of this Ordinance to the type of development being proposed (i.e., subdivision plat, condominium, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space preservation option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of Subsections A through F of this section, as part of the overall review process applicable to the particular development.

**H. Definitions.**

The definitions set forth in Act 177 of the Public Acts of 2001 shall be incorporated into, and considered a part of, this section.

**Section 27.16 – Large Scale Retail Establishments** *(added 07.07.03)*

- A. **Minimum Area and Width.** Large scale retail stores developed individually or in combination shall have a minimum area of ten (10) acres. Sites of less than ten (10) acres may be approved, at the sole discretion of the Planning Commission, when it is demonstrated by the applicant that the following conditions are met:
  1. The site will be developed and shall meet the requirements for maximum lot cover, maximum floor area cover, maximum height, or minimum yard (setback) requirements of the districts in which the site is located.
  2. Sufficient area is available to meet all landscaping and buffering standards set forth in Section 27.05.
- B. **Design Standards.** The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:
  1. **Aesthetic Character.**
    - a. **Facades and Exterior Walls:**
      - i. Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses, neither of which shall exceed one hundred (100) horizontal feet.
      - ii. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.
      - iii. Building facades must include repeating patterns of color, texture, and architectural or structural bays of twelve (12) inches in width (i.e. offsets, reveals or projecting ribs).
    2. **Roofs.**
      - a. **Flat Roofs.** Incorporate parapets to conceal rooftop equipment from public view. The height of the parapets shall not exceed one-third (1/3) of the height of the supporting wall.
      - b. **Pitched Roof.**
        - i. Provide overhanging eaves that extend no less than three (3) feet past the supporting walls.
        - ii. The average slope shall be one (1) foot of vertical rise for three (3) feet of horizontal run.
    3. **Materials and Colors.**
      - a. Predominant exterior building materials shall be high quality material, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.

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- b. Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
  - c. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
  - d. Exterior building materials shall provide texture on at least fifty percent (50%) of the façade, but shall not completely consist of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
4. Entryways. Each principal building shall have clearly defined, highly visible customer entrance consisting of a variety of architectural features such as the following:
- a. canopies, porticos or overhangs;
  - b. recesses/projections;
  - c. raised corniced parapets over the door;
  - d. peaked roof forms;
  - e. display windows;
  - f. integrated tile work and moldings;
  - g. integral planters;
  - h. pavement/material changes for pedestrian cross walks.

**C. Site Design.**

1. **Parking Lot Location.** No more than sixty percent (60%) of the off-street parking area devoted to the large scale retail establishment may be located between the front facade of the principal building and the abutting streets.
2. **Connectivity.** The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at driveway crossings shall be installed to better define pedestrian cross walks.
3. **Pedestrian Circulation.**
  - a. Safety paths shall be provided in accordance with the Safety Path Ordinance No. 97.
  - b. Internal sidewalks of no less than six (6) feet in width shall be provided connecting the safety paths to the principal customer entrances and adjacent to all parking areas. No less than ten (10) feet shall exist between the building façade and the planting bed for foundation plantings.
  - c. All internal sidewalks that cross or are incorporated into maneuvering lanes shall incorporate materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
4. **Central Features and Community Space.** Each large scale retail establishment shall contribute to the enhancement of the community by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such focal features or amenities. All such areas shall have direct access to the internal sidewalk

**27.16 Large Scale Retail Establishments**

network and constructed of materials that are compatible with the principal materials of the building and landscaping.

- 5. Loading, Trash Containers, Outdoor Storage. Each of these functions shall be incorporated into the overall design of the building and landscaping to be visually compatible and fully screened from the view of adjacent properties and public streets. These features shall also be setback a minimum of fifty (50) feet from adjacent residentially zoned properties.
- D. Traffic Impact. The applicant shall submit a detailed traffic study in accordance with Section 27.14. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse effects to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.

**Section 27.17 – Wetland Setbacks** *(added 09.17.07)*

A. It is the intent of this section to require a minimum setback from wetlands (or natural features), and to regulate property within such setback in order to prevent physical harm, impairment and/or destruction of or to a natural feature or the surrounding area. It has been determined that, in the absence of such a minimum setback, intrusions in or onto natural features would occur, resulting in harm, impairment and/or destruction of natural features contrary to the public health, safety and general welfare. This regulation is based on the police power, for the protection of the public health, safety and welfare, including the authority granted in the zoning enabling act. It is further the purpose of this section to establish and preserve minimum setback from wetlands (or natural features) in order to recognize and make provision for the special relationship, interrelationship and interdependency between the natural feature and the setback area in terms of: spatial relationship, interdependency in terms of physical location, plant and animal species, over land and subsurface hydrology, water table, water quality, and erosion of sediment deposition.

It is further the purpose of this section to provide for protection, preservation, proper maintenance and use of areas surrounding wetlands (or natural features) in order to minimize disturbance to the area and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat. A setback shall be maintained in relation to all areas defined in this chapter, unless, and to the extent, it is determined to be in the public interest not to maintain such setback.

B. Setbacks. For all wetlands as defined in Article II of this ordinance and by Ordinance No. 107, setbacks for all structures, parking lots, streets or driveways shall be in accordance with the following regulations:

	Required Setbacks
All structures or buildings	25 ft.
All decks	10 ft.
Parking lots	25 ft.
Streets, roads, driveways	25 ft.

C. Waivers. The Planning Commission has the discretion to decrease the above required setbacks upon demonstration of the appropriateness of a lower setback and compliance with one (1) or more of the following criteria:

- 1. Demonstrated habitat preservation.
- 2. Demonstrated water quality preservation.
- 3. Demonstrated storm water quality retention.
- 4. Existence of a legal lot of record.

For development projects adjacent to wetlands which are not reviewed by the Planning Commission, the Building Official shall have authority to issue setback waivers subject to the criteria as listed above. Appeal to the Zoning Board of Appeals, in accordance with Section 30.06, may also be sought.

**27.18 Wind Energy Conversion Systems (Small Scale Not Governed By PA 233)****Section 27.18 - Wind Energy Conversion Systems (Small Scale Not Governed By PA 233)** *(added 02.01.10, (amended 11.18.24)*

- A. Intent – It is the intent of the Charter Township of Orion to promote the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems which are small scale and not governed by PA 233 to protect the public health, safety, and welfare. In no case shall this ordinance guarantee any wind rights or establish access to the wind. *(amended 11.18.24)*
  
- B. Approval Required - Except where noted in this Section, it shall be unlawful to construct, erect, install, alter, or locate any WECS project within the Charter Township of Orion unless approval for a:
  - 1. Private WECS: A permit has been obtained from the Building Department as an accessory use and subject to Section 27.02 and the height restrictions of Section 28.02. Only one (1) Private WECS shall be permitted per parcel, and the private WECS shall not be allowed within a front yard area.
  - 2. Commercial WECS: A special land use has been obtained pursuant to Section 30.02 and this Section.
  - 3. Temporary WECS: A permit has been obtained from the Building Department.
  
- C. General Standards - The following standards shall apply to wind energy conversion systems in the Charter Township of Orion which are small scale and not governed by PA 233*(amended 11.18.24)* :
  - 1. Design Safety Certification. The safety of the design of all WECS structures shall comply with all current applicable State of Michigan guidelines and standards.
  - 2. Setbacks. All private and commercial WECS structures (Horizontal axis or vertical axis wind turbines) must be setback from property lines at a distance equal to or greater than the height of the structure, measured from the base of the structure to the highest reach of its blade. (See Figure 27.18)

27.18 Wind Energy Conversion Systems (Small Scale Not Governed By PA 233)

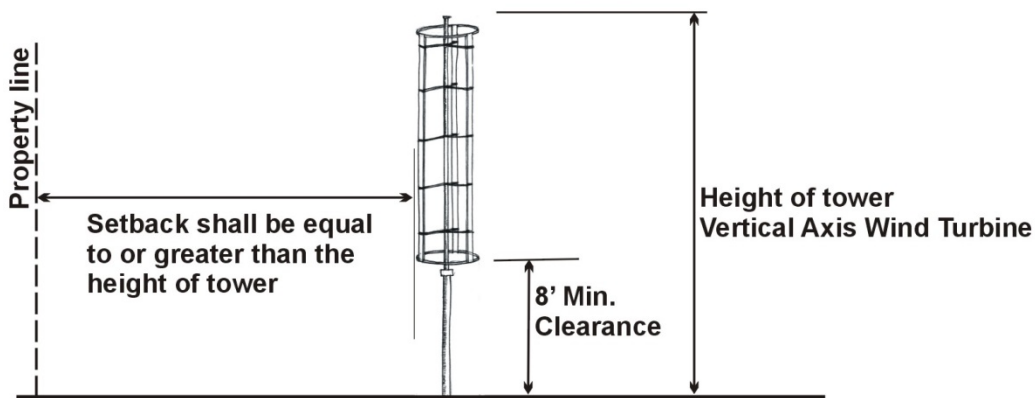
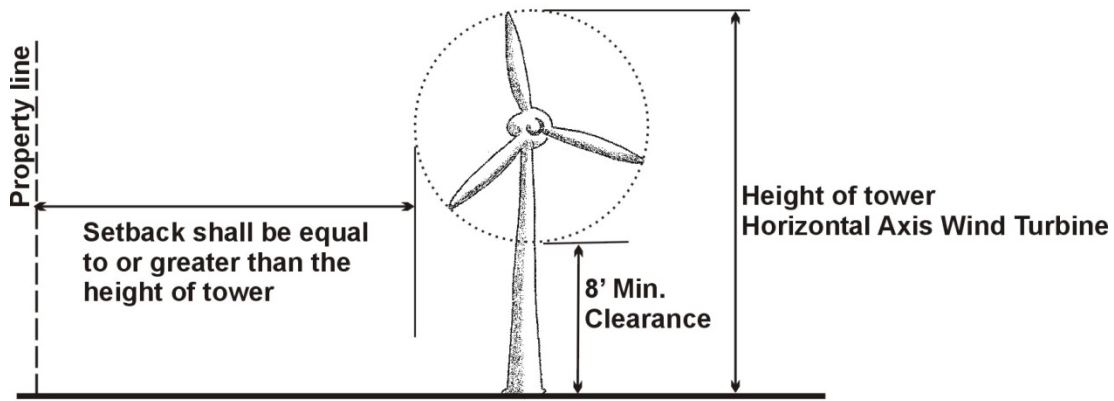


Figure 27.18

3. Interference. All WECS structures shall be certified by the manufacturer to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
  4. Noise. The sound pressure level shall not exceed 60 dB(A) (A-weighted Decibels) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 60 dBA, the standard shall be ambient dBA plus 5 dBA.
  5. Safety. All moving parts including blades or rotating cylinders shall be located at least eight (8) feet above the ground and a safe distance from human interference (See Figure 27.18). The support system, footings and tower shall be constructed in accordance with all applicable building codes governing structural integrity and wind loads.
  6. Height. All private and commercial WECS structures shall be subject to the height restrictions of Section 28.02.
- D. Additional Standards for Commercial WECS Structures - The following additional standards shall apply to all commercial wind energy conversion systems in the Charter Township of Orion:
1. Color. Towers and blades shall be a non-reflective neutral color.



**27.18 Wind Energy Conversion Systems (Small Scale Not Governed By PA 233)**

2. Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and over speed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
3. Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA. A WECS shall not be artificially lighted unless required by the FAA.
4. Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices.
5. Warnings. A visible warning sign of .High Voltage must be required to be placed at the base of all commercial WECS structures. The sign must have at a minimum six-inch letters with 3/4-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
6. Letter of Credit. The applicant is required to post an irrevocable letter of credit for removal of a commercial structure. The value shall be in the amount given prior to construction for the cost of removal and any other costs deemed necessary by the Township. Failure of the applicant to pay for removal costs, failure of the letter of credit to pay for removal costs, or any other failure in the recovery of removal costs will permit the Township to apply all unpaid costs as a tax lien on the applicant's property. *(amended 08.15.16)*
7. Removal. A condition of every approval of a commercial WECS shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
  - a. When the facility has not been used for 180 days or more in any calendar year. For purposes of this section, the removal of equipment from the facility, or the cessation of operations (transmission of electrical power or prolonged periods of no movement of the WECS) shall be considered as the beginning of a period of nonuse.
  - b. Six months after new technology is available at reasonable cost, as determined by the Planning Commission, which permits the operation of the WECS without the requirement of the support structure.
  - c. The situations in which removal of a facility is required, as set forth in paragraphs a and b above, may be applied and limited to portions of a facility.
  - d. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, proceed with, and complete the demolition/removal.
- E. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time of application.
- F. Shadow Flicker. The application for a wind energy system shall include a shadow flicker analysis, unless administratively waived by the Building Department, demonstrating locations of and expected duration of shadow flicker between sunrise and sunset over the course of a year, along with the measures the applicant will take to eliminate or mitigate the effects of shadow flicker on adjacent or nearby affected residential properties.
- G. Utility Connection. The applicant shall submit evidence that the utility company has been informed of the customer's intent to install an inter-connected customer-owned wind energy generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

## 27.19 Outdoor Storage

**Section 27.19 – Outdoor Storage** *(added 02.01.16, amended 07.16.18)*

- A. Outdoor storage of supplies, equipment, vehicles, materials, or similar items may occur as a principal use or on the same site as an accessory to a principal use only as provided for in each individual district's use matrix.
1. **Principal Use.** If a principal use, the storage area shall comply with the front and rear yard setbacks of the zoning district. Outdoor yards for the storage of materials, equipment and vehicles are permitted by right when located one hundred (100) feet or more from the property line of a residentially zoned or used parcel. When located within one hundred (100) feet of the property line of a residential zoned or used parcel, outdoor storage yards may be permitted as a special land use and shall be permitted only upon special land use review and approval as set forth in Section 30.02 and upon meeting the landscaping standards of Section 27.05
  2. **Accessory Use.** An incidental storage area located outside of the principal building which does not exceed ten percent (10%) of the principal building area, one thousand (1,000) square feet, or eight thousand (8,000) cubic feet, whichever is less shall be permitted. The outdoor storage shall be incidental to the existing principal building. The accessory storage area shall be located in the rear yard and screened from view of any public right of way.
- B. Outdoor storage either as a Principle Use or Accessory Use shall be subject to the following regulations in addition to any specific regulations listed within each district's use matrix.
1. Outdoor storage shall not exceed eight (8) feet in height. The outdoor storage of any product or material greater than eight (8) feet in height shall require special land use approval in accordance with Section 30.02.
  2. Outdoor storage shall be limited to the rear yard area or as otherwise permitted.
  3. Outdoor storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.
  4. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05. The Planning Commission may waive or modify these requirements for fencing and screening upon determining that:
    - a. Outdoor storage will be adequately screened from view by existing or proposed buildings, trees or shrubs, or other physical features.
    - b. Screening would serve no useful purpose due to similar uses located on adjacent land.
  5. The outdoor storage is allowed only when such storage is specifically shown on the site plan as approved by the Planning Commission. The site plan shall illustrate or specify the following information, at minimum:
    - a. The exact boundaries of proposed outdoor storage.
    - b. Surfacing and drainage details.
    - c. Screening details.
    - d. Layout of outdoor storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles. For public safety purposes, at least one (1) means of direct access for emergency vehicles shall be provided that does not require entry into a building.

**27.20 Compatible Renewable Energy Ordinance (CREO)****Section 27.20 -- Compatible Renewable Energy Ordinance (CREO)** *(added 11.18.24)*

## A. Definitions

*The following definitions apply to provisions of this Article only.*

**Aircraft Detection Lighting System:** A sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.

**ANSI:** American National Standards Institute

**A-Weighted Sound Level:** The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as expressed as dB(A) or dBA.

**Construction:** Any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.

**Dark Sky-Friendly Lighting Technology:** A light fixture that is designed to minimize the amount of light that escapes upward into the sky.

**dB(A):** The sound pressure level in decibels using the “A” weighted scale defined by the American National Standards Institute (ANSI)

**Decibel:** A unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.

**Energy Storage System (ESS):** A system that absorbs, stores, and discharges electricity. Energy storage facility does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.

**Independent Power Producer (IPP):** A person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, the state, or local units of government.

**Leq:** The equivalent average sound level for the measurement period.

**Light Intensity Dimming Solution Technology:** Obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.

**Light-Mitigating Technology System:** An aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.

**Maximum Blade Tip Height:** The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.

**Maximum Tilt:** The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.

**Nameplate Capacity:** The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.

**NFPA:** National Fire Protection Association

**Non-Participating Property:** A property that is adjacent to an energy facility and that is not a participating property.

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**27.20 Compatible Renewable Energy Ordinance (CREO)**

**Occupied Community Building:** A school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.

**Participating Property:** Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.

**Person:** An individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee, receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.

**Principal-Use (Large) Energy Facility:** A large, principal-use energy storage system (ESS), solar energy system (SES), or wind energy system (WES). An energy facility may be located on more than one (1) parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

**Principal-Use (Large) Energy Storage System:** An Energy Storage System (ESS) that is a principal use (or co-located with a second principal use), is designed and built to connect into the transmission grid and has a nameplate capacity of fifty (50) MW or more and an energy discharge capability of two hundred (200) MWh or more.

**Principal-Use (Large) Solar Energy System:** A Principal-Use SES with a nameplate capacity of fifty (50) MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

**Principal-Use (Large) Wind Energy System:** A principal-use WES with a nameplate capacity of one hundred (100) MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

**Repowering:** The replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

**Shadow Flicker:** Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

**Sound Pressure:** The difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

**Sound Pressure Level:** Twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of micro pascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an unweighted measurement.

**Solar Energy System (SES):** A system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy system property. A solar energy system includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

**Wind Energy System (WES):** A system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy system property. Wind energy system includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and

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radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

**B. General Provisions**

1. Renewable Energy Facilities may only be permitted in the following zoning districts: Light Industrial (LI), Industrial Park (IP), and Industrial Commercial (IC). These districts have been designated by the Township as suitable locations for such facilities due to their compatibility with industrial activities and infrastructure, which are essential for supporting commercial-scale renewable energy initiatives.
2. The following regulations are intended to ensure that the interests of both landowners and the Township are achieved harmoniously, with no negative effects on the long-term viability of the subject property or those surrounding it. The LI, IP, and IC zoning districts are specifically chosen for the following reasons:
  - a. Infrastructure Compatibility: These districts are more likely to be equipped with the necessary infrastructure, such as access to transportation networks and utilities, which can facilitate the efficient capture, storage, and distribution of renewable energy.
  - b. Larger Lot Sizes: The presence of larger lots within these districts provides the necessary space to accommodate renewable energy facilities, allowing for the installation of extensive equipment and infrastructure without crowding or impacting adjacent properties. This spatial flexibility is essential for optimizing energy generation and operational efficiency.
  - c. Environmental Sustainability: By locating renewable energy facilities in these zoning districts, the Township can promote environmentally responsible development practices, contributing to sustainability goals while minimizing impacts on residential areas.
  - d. Minimized Conflicts with Land Uses: The industrial nature of the LI, IP, and IC districts reduces potential conflicts with residential and agricultural uses, thereby ensuring that renewable energy facilities can operate without disrupting the quality of life for nearby residents.
3. An Electric provider or IPP that proposes to obtain a certificate from the Michigan Public Service Commission to construct an energy facility within the Township shall follow the following application process:
  - a. At least sixty (60) days before the public meeting provided for in MCL 460.1223, an electric provider or IPP shall offer in writing to meet with the Township Supervisor, or the Supervisor's designee, to discuss the special land use and site plan. The offer to meet must be delivered by email and certified mail and must also be sent to the Township Board in care of the Township Clerk in this same manner. The Supervisor or Supervisor's designee must respond within thirty (30) days from the offer to meet.
  - b. Within thirty (30) days following the meeting described in paragraph (a), the Township Supervisor shall notify the electric provider or IP planning to construct the energy facility that the Township has a compatible renewable energy ordinance. If all affected local units with zoning jurisdiction provide similar timely notice to the electric provider or IPP, then the electric provider or IPP shall file for approval of a permit with the Township.
  - c. To file for approval of a permit the electric provider or IPP must submit a complete application to the Township Clerk. The application form to be used shall be adopted by resolution of the Township Board. The application shall contain the items set forth in MCL 460.1225(1), except for (l)(j) and (s). The application may also require other information to determine compliance with their Compatible Renewable Energy Ordinance. By resolution, the Township may establish an application fee and escrow policy to cover the Township's reasonable costs of review and processing of the application, including but not limited to staff, attorney, engineer, planning, environmental, or other professional costs.

**27.20 Compatible Renewable Energy Ordinance (CREO)**

4. **Principal-Use (Large) Energy Facility Application:** Any application for a Principal-Use (Large) Energy Facility shall contain all of the following:
  - a. The complete name, address, and telephone number of the applicant.
  - b. The planned date for the start of construction and the expected duration of construction.
  - c. A description of the energy facility, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:
    - i. A map of all properties upon which any component of a facility or ancillary feature would be located, and for wind energy systems, all properties within two thousand (2,000) feet of such properties, and for solar energy or energy storage systems, all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
    - ii. Lot lines and required setbacks shown and dimensioned.
    - iii. Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.
    - iv. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area
    - v. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
    - vi. A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit
    - vii. For wind energy systems, a map or schematic showing the area including sensitive receptors that will be impacted by shadow flicker for wind facilities, including isolines indicating areas expected to experience 30 hours or more per year of shadow flicker
  - d. A description of the expected use of the energy facility.
  - e. Expected public benefits of the proposed energy facility.
  - f. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
  - g. Information on the effects of the proposed energy facility on public health and safety.
  - h. A description of the portion of the community where the energy facility will be located.
  - i. A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
  - j. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.

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- k. The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
- l. Interconnection queue information for the applicable regional transmission organization.
- m. If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
- n. If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the commission or the electric provider or independent power producer except pursuant to court order.
- o. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.
- p. A fire response plan and an emergency response plan.
  - i. The fire response plan (FRP) shall include:
    - 1) Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.
    - 2) A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.
    - 3) A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.
    - 4) For energy storage systems, a commitment to offer to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and at least once per year while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.
    - 5) For wind energy systems and solar energy systems, a commitment to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and upon request while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.
    - 6) A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.
    - 7) An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.
    - 8) Other information the applicants finds relevant.

**27.20 Compatible Renewable Energy Ordinance (CREO)**

- ii. The emergency response plan (ERP) shall include:
  - 1) Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.
  - 2) An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);
  - 3) Emergency response measures by contingency;
  - 4) Evacuation control measures by contingency;
  - 5) Community notification procedures by contingency;
  - 6) An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
  - 7) A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
  - 8) An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
  - 9) Other information the applicants finds relevant.
- q. A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance shall be posted in increments as follows:
  - i. At least twenty-five percent (25%) at start of construction.
  - ii. At least fifty percent (50%) one (1) year from start of construction.
  - iii. One hundred percent (100%) by the start of full commercial operation.
- r. A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities.
- s. For solar energy systems and energy storage systems, a photometric plan to demonstrate compliance with dark sky-friendly lighting solutions.
- t. For wind energy systems, light-mitigation plans, including exemptions requested for during the construction period.
- u. For wind energy systems, a report detailing the flicker modeling results with mitigation plans to ensure that flicker will remain below the limit listed in Section C throughout the operational life of the facilities. The report must be prepared by a qualified third party using the most current modeling software available and be based on real world or adjusted case assessment modeling. The report must show the locations



**27.20 Compatible Renewable Energy Ordinance (CREO)**

and estimated amount of shadow flicker to be experienced at all occupied community buildings and non-participating residences as a result of the individual turbines in the system.

- v. For energy storage systems, evidence of compliance with NFPA 855 including, but not limited to:
    - i. Commissioning Plan (NFPA 855 Chapters 4.2.4 & 6.1.3.2)
    - ii. Emergency Operation Plan (NFPA 855 Chapter 4.3.2.1.4)
    - iii. Hazard Mitigation Analysis (NFPA 855 Chapter 4.4)
- C. **Principal-Use (Large) Solar Energy System (SES):** A large principal-use SES is a special land use permitted in the LI, IP, and IC zoning districts. It is subject to review and approval by the Planning Commission in accordance with the provisions of Article 30.02, as well as site plan review and approval under Article 30.01, both following review by Township Consultants. The Planning Commission shall grant or deny approval within one hundred twenty (120) days of receiving a complete application, unless an extension of up to an additional one hundred twenty (120) days is mutually agreed upon by the Township Board and the applicant. The application must also meet the following requirements:
1. **Height:** Total height for a large principal-use SES shall not exceed a maximum of twenty-five (25) feet above ground when the arrays are at maximum tilt.
  2. **Setbacks:** Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use, SES as follows:
    - a. Three hundred (300) feet from the nearest point on the outer wall of any occupied community buildings and residences on non-participating properties.
    - b. Fifty (50) feet from the nearest edge of a public road right-of way.
    - c. Fifty (50) feet from the nearest shared property line of non-participating parties.
  3. **Fencing:** A large principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall comply with the latest version of the National Electric Code as of November 2023 or any applicable successor standard approved by the Michigan Public Service Commission (MPSC) as reasonable and consistent with the purposes of Subsection 226(8) of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1226.
  4. **Lighting:** A large principal-use SES shall implement dark sky-friendly lighting solutions.
  5. **Sound:** The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed fifty-five (55) dBA (Leq (1-hour)) at the nearest outer wall of the nearest dwelling of an adjacent non-participating lot. Decibel modeling shall use the A-weighted sound level meter as designed by the American National Standards Institute.
  6. **Michigan Public Service Commission requirements:** Principal-use large SES shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(a)(vi).
- D. **Principal-Use (Large) Wind Energy System (WES):** A large principal-use WES is a special land use permitted in the LI, IP, and IC zoning districts. It is subject to review and approval by the Planning Commission in accordance with the provisions of Article 30.02, as well as site plan review and approval under Article 30.01, both following review by Township Consultants. The Planning Commission shall grant or deny approval within one hundred twenty (120) days of receiving a complete application, unless an extension of up to an additional one hundred twenty (120) days is mutually agreed upon by the Township Board and the applicant. The application must also meet the following requirements:

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1. **Setbacks:** Setback distance shall be measured from the stated location below to the center of the base of the wind tower as follows:
  - a. **Occupied community buildings and residences on non-participating properties:** A horizontal distance equal to 2.1 times the maximum blade tip height from the nearest point on the outside wall of the structure.
  - b. **Residences and other structures on participating properties:** A horizontal distance equal to 1.1 times the maximum blade tip height from the nearest point on the outside wall of the structure.
  - c. **Non-participating property lines:** A horizontal distance equal to 1.1 times the maximum blade tip height from the property line;
  - d. **Public road right of way:** A horizontal distance equal to 1.1 times the maximum blade tip height from the center line of the public road right-of-way;
  - e. **Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings:** A horizontal distance equal to 1.1 times the maximum blade tip height from the center line of the easement containing the overhead line.
2. **Height:** Total height, measured at the wind tower blade tip, for a principal-use state scale WES shall not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.
3. **Sound:** The sound pressure level generated by a principal-use state scale WES shall not exceed fifty-five (55) dBA (Leq (1-hour)) measured at the nearest outer wall of the nearest dwelling of an adjacent non-participating lot. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. **Lighting:**
  - a. Large principal-use WES shall be equipped with functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine shall be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. A temporary exemption from the requirements of this section may be granted if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:
    - i. The purpose of the exemption;
    - ii. The proposed length of the exemption;
    - iii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration;
    - iv. The technical or economic reason a light-mitigating technology is not feasible;
5. **Shadow Flicker:** Shadow flicker shall not exceed thirty (30) hours per year under planned operating conditions as indicated by industry standard computer modeling and measured at the exterior wall of an occupied community building or non-participating residence.
6. **Signal Interference:** Principal-use state scale WES shall meet any standards concerning radar interference, lighting (subject to paragraph C.4.a.), or other relevant issues as determined by the Michigan Public Service Commission in any implementation or rule-making process.
7. **Michigan Public Service Commission requirements:** Large principal-use WES shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(b)(vii).

**27.20 Compatible Renewable Energy Ordinance (CREO)**

- E. **Principal-Use (Large) Energy Storage System (ESS):** A large principal-use ESS is a special land use permitted in the LI, IP, and IC zoning districts. It is subject to review and approval by the Planning Commission in accordance with the provisions of Article 30.02, as well as site plan review and approval under Article 30.01, both following review by Township Consultants. The Planning Commission shall grant or deny approval within one hundred twenty (120) days of receiving a complete application, unless an extension of up to an additional one hundred twenty (120) days is mutually agreed upon by the Township Board and the applicant. The application must also meet the following requirements:
1. **NFPA Compliance and other Applicable Codes:** Large principal-use energy storage systems (ESS) shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024, or any applicable successor standard adopted by the MPSC as reasonable and consistent with the purposes of this subsection.
  2. **Setbacks:** Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use ESS as follows:
    - a. **Occupied community buildings and residences on non-participating properties:** Three hundred (300) feet from the nearest point on the outer wall of the building or residence.
    - b. **Public road right of way:** Fifty (50) feet from the nearest edge of a public road right-of-way.
    - c. **Non-participating parties:** Fifty (50) feet from the nearest shared property line.
  3. **Sound:** The sound pressure level of a large principal use ESS shall not exceed a noise level of 55 dBA (Leq (1-hour)) as modeled at the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
  4. **Lighting:** The large principal-use ESS will implement dark sky friendly lighting solutions.
  5. **Michigan Public Service Commission Requirements:** Large principal-use energy storage systems shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(c)(v).

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF ORION

RESOLUTION SPECIFYING AMOUNT OF PERFORMANCE GUARANTEE FOR  
REMOVAL OF PERSONAL WIRELESS SERVICE FACILITY

RECITATIONS:

Personal wireless service facilities ("PWS Facilities") are regulated by ordinance in the Charter Township of Orion Zoning Ordinance, and, in particular, in Article 27, Section 27.07.

In Subsection C.1.d of such Section of the Zoning Ordinance, an applicant for a PWS Facility must deposit with the Township a performance guarantee in an amount established by Township Board Resolution as security for the removal of the facility if it has been abandoned or discontinued for a period of six consecutive months or more.

The purpose of this Resolution is to establish the amount of performance guarantee as contemplated in Section 27.07.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the performance guarantee to be deposited pursuant to Section 27.07.C.1.d of the Zoning Ordinance shall be in the form of a cash deposit, irrevocable letter of credit in a form approved by the Township, or certified check, and such guarantee shall be in the amount of \$40,000, or such other greater amount as may be shown to be required in a given circumstance to assure complete removal and restoration of property.

**AYES:** Cueny, Wilson, VanTassel, Tomczak, Marleau, Dywasuk, Bastian  
**NAYES:** None  
**ABSENT:** None  
**ABSENTIONS:** None

CERTIFICATION

It is hereby certified that the foregoing Resolution was duly adopted by the Township Board of the Charter Township of Orion at a meeting duly called and held on the 19<sup>th</sup> day of April, 1999.

CHARTER TOWNSHIP OF ORION

By:   
JILL D. BASTIAN, CLERK

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