

# **OREGON TOWNSHIP**

## **ZONING ORDINANCE**

### **ORDINANCE NO. 101**

**Adopted: October 10, 2023**



### List of Amendments

Ord #	Articles and Sections Amended or Added	Planning Commission Approved	Township Board Adopted	Adoption Notice Published	Effective

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ARTICLE 1  
Title



**ZONING ORDINANCE**

**TOWNSHIP OF OREGON**

**ORDINANCE NO. 101**

AN ORDINANCE to regulate the use of land within the Township of Oregon, Lapeer County, Michigan in accordance with the provisions of the Michigan Zoning Enabling Act, being Public Act 110 of the Public Acts of 2006, as amended.

**THE TOWNSHIP OF OREGON ORDAINS:**

Section 1.01. TITLE

This Ordinance shall be known and cited as the Oregon Township Zoning Ordinance No. 101.

Section 1.02. CONFLICTING REGULATIONS.

Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.







## ARTICLE 2 Activities Covered By Ordinance



### Section 2.01. COVERED BY ORDINANCE

No building or structure, or part thereof, shall be erected, constructed, reconstructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.





Section 3.01. PURPOSE STATEMENT.

The purpose of this Article is to establish the roles and responsibilities involving the administration and enforcing of the Ordinance.

Section 3.02. ZONING ADMINISTRATOR.

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine. Other duties and responsibilities are listed below:

- A. Examine, record, file, and process applications and other documents associated with this Ordinance.
- B. Provide citizens, applicants, and public officials with information relative to this Ordinance and related matters.
- C. Receive, investigate, and process complaints.
- D. Conduct any necessary inspections to ensure compliance with this Ordinance.
- E. Maintain necessary documents related to this Ordinance.

Section 3.03. PLANNING COMMISSION.

The Oregon Township Planning Commission has been established as authorized by the Michigan Planning Enabling Act of 2008 and the Oregon Township Planning Commission Ordinance. The duties and responsibility are listed below:

- A. Establish and maintain bylaws for the Planning Commission.
- B. Prepare an annual report for the Planning Commission to the Township Board.
- C. Hold public hearings for rezoning, text amendment, and Special Land Use cases.
- D. Review and approve necessary applications.

Section 3.04. ZONING BOARD OF APPEALS.

The Zoning Board of Appeals duties and responsibilities are in Section 15.03.

Section 3.05. TOWNSHIP BOARD.

The legislative body is the Township Board. The Township Board duties and responsibilities regarding this Ordinance include:

- A. Approving appointment to the Planning Commission and Zoning Board of Appeals.
- B. Hiring administrative staff.
- C. Examining and reviewing approvals of text amendments and rezonings.

Section 3.06. CLERK.

The Township Clerk duties and responsibilities include sending out and posting notices related to public notices, maintaining files associated with this Ordinance, and receiving protest petitions.

Section 3.07. ZONING PERMITS.

A zoning permit shall be acquired from the Zoning Administrator before any construction of a structure (building, signs, etc.) is undertaken (excluding farm uses and fences), any structure is



moved, any pond is excavated, or any change in the use of any land or structure is undertaken within the Township. The term “change in use” shall mean a land use which is a New Land Use on the property, and which is not accessory to an Existing Land Use which conforms to the Ordinance.

- A. APPLICATION. A zoning permit shall be applied for in writing on an application form provided by the Township and shall include a plot plan of the proposed land use. A plot plan shall include the following information:
  - 1. Property dimensions
  - 2. Parcel number and/or subject property address information
  - 3. Setbacks from property lines
  - 4. Proposed and existing building dimensions and gross floor area
  - 5. Location, dimensions, and number of parking spaces, if applicable
  - 6. Other features located on site (fence, signs, etc.)
  - 7. Any additional information necessary for the Zoning Administrator to determine compliance.
- B. PERMIT ISSUANCE. A zoning permit shall be approved by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Zoning Board of Appeals, or Township Board approvals have been obtained.
- C. CERTIFICATION OF OCCUPANCY. A zoning permit must be obtained before any change in use of land or structure occurs, prior to the issuing of a certification of occupancy.
- D. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.
- E. VOID PERMITS. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void.
- F. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

### Section 3.08. PUBLIC HEARING PROCEDURE.

Notice of a hearing as determined by this Ordinance (text amendment, rezoning, Special Land Use, variance etc.) shall follow the following process:

- A. The Clerk shall prepare and post the necessary notice with the following information:
  - 1. A description of the nature of the request.
  - 2. The street address of parcel that is the subject of the request in the case of a rezoning. If the property does not have a street address, the parcel’s tax description will be used.
  - 3. When and where the amendment public hearing will be held.
  - 4. When and where written comments can be sent.
  - 5. When and where a copy of the request can be reviewed.
- B. The notices shall be published, mailed, or personally delivered no less than fifteen (15) days before the hearing date. The following lists the different notices to maintain:

1. The public hearing case shall be published in a newspaper of general circulation in the Township.
2. Notice shall also be delivered personally or by mail to the owner of the subject property and the owners of all property within five hundred (500') feet of the subject property. Notice shall be given to property owners as shown on the latest tax assessment roll.
3. Notice shall also be given to any occupants of structures within five hundred (500') feet if the occupants are different than the owners. Notice shall be given to property owners as shown on the latest tax assessment roll.
4. Located at the Township Hall and Township website.

#### Section 3.09. FEES.

- A. Fees for inspections, review of site plans, Special Land Uses, the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Township Treasurer in advance of the inspections, plan review, or the issuance of such permits or certificates.
- B. The Township Board shall establish by resolution a schedule of fees and charges and a collection procedure for zoning compliance permits, site plan review, Special Land Use approval, appeals, and other matters pertaining to this Ordinance. The amount of such fees shall be established by the Township Board and shall cover the cost of inspection, professional review, and supervision resulting from the administration and enforcement of this Ordinance.
- C. The schedule of fees shall be posted in the office of the Township Supervisor and may be altered or amended from time to time by resolution of the Township Board. Until all applicable fees and charges have been paid in full, no action shall be taken on any application or appeal.

#### Section 3.10. CONDITIONS.

- A. As part of an approval regarding this Ordinance, the Planning Commission or Zoning Board of Appeals may impose any additional conditions or limitations as may be necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity. There should be a reasonable connection between the condition imposed and a potential impact it is mitigating. There should be a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated.
- B. Conditions may also be imposed to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Such conditions shall be considered necessary by the Planning Commission or Zoning Board of Appeals to ensure compliance with the review standards, and necessary to meet the intent and purpose of this Ordinance.
- C. The conditions imposed on an approved application run with the property and not with the owner of such property.
- D. A record of conditions imposed shall be recorded in the minutes attached to the approved application and maintained by the Township. The conditions shall remain unchanged unless an amendment is approved by the Planning Commission or Zoning Board of Appeals (ZBA).
- E. The Zoning Administrator is responsible for confirming conditions have been met, on a modified site plan or addendum to the original plan. Once met, the Zoning Administrator



shall issue a zoning permit which will serve as a record that conditions are met, prior to an applicant requesting a building permit.

#### Section 3.11. PERFORMANCE BOND.

- A. A performance guarantee may be required to ensure compliance with any condition imposed as part of a zoning approval (Zoning Administrator, Planning Commission, or ZBA).
- B. A cash deposit, certified check, performance bond, or insurance bond shall be posted with the Township Treasurer as a guarantee that the project will be completed as approved by the Township.
- C. The amount of the deposit shall be five (5%) percent of the project cost or one-hundred and ten (110%) percent of the remaining work to be completed. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments.
- D. Upon the completion of the project in accordance with the approved zoning permit, the deposit shall be released.

#### Section 3.12. VIOLATIONS.

- A. **PROCESS.** The violation and enforcement process shall follow the below order:
  - 1. Identification of the violation.
  - 2. Inspection of the violation.
  - 3. Notification to the violating property owner and/or occupant.
  - 4. If the situation is remedied, it shall be noted in the Township records. If compliance is not provided, proceed with the other stated legal action as deemed appropriate by the Zoning Administrator and/or Township Board.
- B. **ENFORCEMENT AND PENALTY.** Any person, firm, or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine, plus costs and other sanctions, attorney fees, clean-up costs, and other expenses incurred in enforcing the Ordinance for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Oregon Township Civil Infraction Ordinance.
- C. **NUISANCE PER SE.** Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance “per se”.
- D. **OTHER ENFORCEMENT TOOLS.** Other enforcement tools the Township may utilize to ensure compliance with this Ordinance may include stop-work orders, injunctions, abatements, and any other remedies available under the law.



## ARTICLE 4 Zoning Districts



### Section 4.01. DISTRICTS.

The purpose of this Article, is for the Township to be divided into the following zoning districts:

AR	Agricultural Residential	MHP	Manufactured Housing Park
R-1	Single Family Residential	C	Commercial
RM	Medium Density Residential	I	Industrial

### Section 4.02. DISTRICT BOUNDARIES AND MAP.

The boundaries of the zoning districts are shown on the Zoning Map which is a part of this Ordinance. The map shall be designated as the Oregon Township Zoning Map. The Zoning Map shall be updated and maintained by the Zoning Administrator.

- A. The following are zoning district amendments:
- 1.

### Section 4.03. INTERPRETATION

When there is uncertainty regarding the boundaries of the various zoning districts shown on the Zoning Map, the following guidelines shall apply:

- A. Boundaries indicated as “approximately follow the center line of the roadway” shall be construed to follow such center lines. Districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.
- B. Boundaries indicated as “approximately following platted lot lines” shall be constructed as following such lot lines.
- C. Boundaries of the zoning districts are restricted to the Oregon Township jurisdiction.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- E. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- F. Any further clarity on the boundary of a zoning district shall follow the interpretation process by the Zoning Board of Appeals in Section 15.06.

### Section 4.04. PRINCIPAL USES PERMITTED.

All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after Special Land Use approval."

### Section 4.05. SPECIAL LAND USES.

A use of land or structures listed as a "Special Land Use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.



#### Section 4.06. TABLE OF PURPOSE STATEMENTS.

Below are the established zoning districts of Oregon Township. Each zoning district has a separate intent and purpose statement.

##### **AR – Agricultural Residential Zoning District**

The intent of the Agricultural Residential Zoning District is to protect and balance agricultural preservation with rural character of single-family homes. This district is intended to include uses such as farms, single-family dwellings, agriculturally based businesses and uses and other low intensity accessory uses to single-family dwelling units.

##### **R-1 – Single Family Residential**

The intent of the Single-Family Residential Zoning District is to provide smaller single-family residential lots. These single-family areas should provide a density that is able to be sustained on small lots without harming the natural environment and water quality.

##### **RM – Medium Density Residential**

The intent of the Medium Density Residential Zoning District is to provide for multiple-family dwelling structures or attached dwelling units for single-family residential homes.

##### **MHP – Manufactured Housing Park**

The intent of the Manufactured Housing Park Zoning District is to provide on lots for manufactured homes, other dense multiple-family and single-family dwelling developments. The manufactured home parks possess site development uses and density similar in character to private, multiple-family residential development.

##### **C – Commercial**

The intent of the Commercial Zoning District is to provide day to day convenience for shopping and services of residents in the Township. Appropriate uses include medical offices, professional offices, minor auto repair shops, personal service establishments, and other general retail or similar uses.

##### **I – Industrial**

The intent of the Industrial Zoning District is to provide for industrial uses such as wholesale activities, warehousing, and manufacturing operations on individual lots. The uses should minimize any off-site impact or nuisances and protect the public safety and welfare of surrounding Township properties.





#### Section 4.07. TABLE OF USES.

In order to ensure all possible benefits and protections for the zoning districts in this Ordinance, all land uses have been classified as follows:

- A. Permitted Use (P) are land and/or buildings in this district may be used for the purposes listed by right.
- B. Special Land Use (SLU) are uses which may be permitted by obtaining Special Land Use approval when all applicable requirements in that designated zoning district are met.
- C. If a use is not marked with a P or SLU, then that use is not allowed in that corresponding zoning district.

Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	Zoning Districts					
	AR	R-1	RM	MHP	C	I
<b>Agricultural Uses</b>						
Agricultural Business	SLU					
Agricultural Tourism	SLU					
Crop Production/Farm	P	P	P	P	P	
Event Barn	SLU				P	P
Farm To Table – Small Winery, Micro Brewery, Cider Mill, Small Distillery, or Similar Use	SLU					
Farm Markets	SLU					
Farm Roadside Stands	P					
Keeping of Livestock, Poultry, Rabbits	P	P				
Landscaping Nursery/ Establishment & Greenhouse	P				P	
Riding Academies/Stables	P					
Veterinary Clinics	SLU				P	
<b>Residential Uses</b>						
Assisted Living Facilities or Similar Senior Housing Facility for 6 Units or Less	SLU		P			
Assisted Living Facilities or Similar Senior Housing Facility for 7 Units or Greater			P			
Bed and Breakfast Establishments	SLU	SLU	SLU			
Boarding House	SLU		SLU			
Cluster Housing and Open Space	SLU					
Home Occupations	P	P	P			
Manufactured Housing Parks				P		
Medical Marijuana Primary Caregiver	P	P				
Multiple-Family Dwellings			P	P		
Residential Subdivisions		SLU	SLU			
Single-Family Dwellings	P	P	P	P	P	
Site Condominium Developments		SLU	SLU			
State Licensed Family Day-Care Homes For Children	P	P	P	P		
State Licensed Group Child Day-Care	SLU	SLU	SLU			



Uses by Category (Key- P= Permitted Use SLU= Special Land Use)	Zoning Districts					
	AR	R-1	RM	MHP	C	I
State Licensed Residential Facilities (Seven or More Residents)	SLU	SLU	SLU			
State Licensed Residential Facilities (Six or Fewer Residents)	P	P	P	P		
Temporary Dwelling	SLU	SLU	SLU			
Two-Family Dwellings	SLU	SLU	P	P		
Qualified Residential Treatment Programs		SLU	SLU			
<b>Commercial Uses</b>						
Adult Uses					SLU	
Automobile, Truck, Construction Equipment, Farm Machinery Facilities (Service, Repair, Washing, Storage)					SLU	
Dog Kennels	SLU					
Drive-Through Establishments					SLU	
Eating and Drinking Establishments, Taverns, Bars, Clubs, or Other Similar Facilities					SLU	
Facilities for Electricians, Plumbers, and Similar Trades					P	
Financial Institutions					P	
Funeral Homes and Mortuaries					P	
Golf Courses	SLU	SLU	SLU			
Hotels and Motels					SLU	
Indoor Recreational Establishments (No Alcohol)					SLU	
Lodge Halls, Private Clubs, Auditoriums					SLU	
Mini-Storage Facilities					P	
Open Air Businesses					SLU	
Personal Service Establishments					P	
Professional and Business Offices					P	
Retail Establishments 40,000 GFA or Less					P	
Retail Establishment Greater than 40,000 GFA					SLU	
Shooting Ranges	SLU					
Short-Term Rentals	SLU	SLU			P	
Wholesale Business Operations					SLU	
<b>Industrial Uses</b>						
Building Material Sales Operations						P
Factories (Including Manufacturing, Assembling, Machining)						P
Fuel Storage Facilities and Fuel Transfer Facilities (Including Propane, Petroleum, Ethanol, and Similar Fuels)						SLU
Industries Involving the Processing, Treatment, Use, or Storage of Explosives, Toxic Chemicals, or Radioactive Materials						SLU

Uses by Category (Key- P= Permitted Use SLU= Special Land Use	Zoning Districts					
	AR	R-1	RM	MHP	C	I
Junk or Recycling Yards						SLU
Laboratories						P
Mining or Quarrying	SLU					
Public Utility Service Yards						P
Recycling Facilities					SLU	SLU
Repair Facilities						P
Slaughterhouses and Meat Processing Facilities						SLU
Solar Farms	SLU					SLU
Warehousing, Storage, or Wholesale Facilities						P
<b>Institutional Uses</b>						
Cemeteries	SLU					
Cremation Facilities	SLU					SLU
Dental Clinic					P	
Hospitals	SLU		SLU			
Medical Offices					P	
Private, Public, and Vocational Schools	SLU				P	
Public Buildings					P	
Recreation Facilities, Park, and Activities	SLU					
Religious Institutions	SLU				P	
Sanitariums					P	
Township and Other Governmental Buildings, Structures, and Facilities	SLU					
Travel Trailer Park	SLU					
<b>Other Uses</b>						
Accessory Structures	P	P	P	P	P	P
Accessory Uses	P	P	P	P	P	P
Airports						SLU
Communications Towers	SLU	SLU	SLU		SLU	SLU
Community Swimming Pool, Public or Private	SLU	SLU	SLU	SLU	P	P
Temporary Uses	SLU	SLU	SLU		SLU	SLU
Outdoor Storage					SLU	SLU
Parking, Off-Street Accessory			P	P	P	P
Ponds	P		SLU	SLU		
Public Utility	SLU	SLU	SLU	SLU	P	P
Yard Sales	P	P	P	P		
Wind Generation Towers (Wind Energy System)	SLU	SLU	SLU		SLU	SLU

#### Section 4.08. TABLE OF USE REQUIREMENTS.

Below is a table with the definition, parking requirement, and use requirements associated with the various uses in the Ordinance.

Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Agricultural Uses</b>			
Agricultural Business	The business of providing services for persons traveling for pleasure, or public at large accessory to the principal on-site farming or ranching activities. Value-added agricultural products or activities can include but not limited to education tours of processing facilities; playgrounds or similar school equipment; nature trails; open air or covered picnic area with restrooms; kitchen facilities and gift shops for the sale of agricultural related products.	One (1) parking space per two hundred (200) square feet of indoor activity area, and one (1) parking space per one thousand (1,000) square feet of outdoor activity area.	<ul style="list-style-type: none"> <li>A. The minimum lot size is 40 acres.</li> <li>B. The property shall be located on a county primary roadway and use this roadway as a primary driveway.</li> <li>C. Adjunct food services may be provided.</li> <li>D. The hours of operation shall be confined between the hours of 6 a.m. to 9 p.m. Monday through Thursday, 10 a.m. to 11 p.m. Friday and Saturday, and 1 p.m. to 9 p.m. on Sunday.</li> <li>E. No temporary sanitary facility shall be on the property more than forty-eight (48) hours before or after any special event.</li> <li>F. No temporary sanitary facility or trash receptacles shall be located within one hundred (100) feet of a lot line unless the principal building and adjacent lot are in single ownership.</li> <li>G. All property lines shall have a setback of one hundred (100) feet, front, side, and rear property lines.</li> </ul>
Agricultural Tourism	The same definition as agricultural business but is limited to a single four (4) month period annually.	One (1) parking space per two hundred (200) square feet of indoor activity area, and one (1) parking space per one thousand square feet (1,000) of outdoor activity area.	<ul style="list-style-type: none"> <li>A. The minimum lot size is 40 acres.</li> <li>B. The property shall be located on a county primary roadway and use this roadway as a primary driveway.</li> <li>C. Adjunct food services may be provided.</li> <li>D. The hours of operation shall be confined between the hours of 10 a.m. to 9 p.m. Monday through Thursday, 10 a.m. to 11 p.m. Friday and Saturday, and 1 p.m. to 9 p.m. on Sunday.</li> <li>E. No temporary sanitary facility shall be on the property more than forty-eight (48) hours before or after any special event.</li> <li>F. No temporary sanitary facility or trash receptacles shall be located within one hundred (100) feet of a lot line unless the principal building and adjacent lot are in single ownership.</li> <li>G. All property lines shall have a setback of one hundred (100) feet, front, side, and rear property lines.</li> </ul>
Crop Production/Farm	The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products. (Michigan Right to Farm)	N/A	<ul style="list-style-type: none"> <li>A. Farms, farm buildings, and farm uses may only be on parcels of land containing at least two and one-half (2 ½) acres.</li> <li>B. Meet all applicable GAAMPs from the Michigan Department of Agricultural &amp; Rural Development.</li> </ul>



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Event Barn	A rental space. A use of commercial, accessory, or primary agricultural structures including barns, for organized event space for gatherings including weddings, birthday parties, corporate picnics, and other such events.	One (1) for every three (3) persons of capacity and one (1) per employee on the largest shift.	<p>A. The minimum site size shall be ten (10) acres.</p> <p>B. There shall be a minimum side and rear setback of one hundred (100) feet for all structures and activity areas.</p> <p>C. Any outdoor garden or reception area will be located in the side or rear yards and screened from adjacent properties.</p> <p>D. An event barn may include bed and breakfasts through Special Land Use approval. In this case, event barns will be treated as a Special Land Use in districts AR, C, and I.</p> <p>E. Hours of operation shall be limited to 8 a.m. to 10 p.m. Sunday – Thursday and 8 a.m. – 12 a.m. Friday and Saturday. The use shall also be compliant with the Performance Standards in Section 8.23 and Township Noise Ordinance.</p> <p>F. All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in areas proposed and approved in the site plan for such activities.</p> <p>G. No temporary structures or tents shall be permitted in connection with any event unless the same is erected by the event barn and is removed within 48 hours after the conclusion of the event.</p> <p>H. Permanent bathroom facilities must be established at all event barns.</p> <p>I. Retail sales facilities shall be prohibited at event barns.</p> <p>J. Provide a copy of the insurance and license to serve alcohol policy, if applicable.</p> <p>K. All event barns must be located along a paved road.</p>
Farm To Table – Small Winery, Micro Brewery, Cider Mill, Small Distillery, or Similar Use	A use accessory to products grown or developed on-site at a single-family home, or agricultural activities.	One (1) for every three (3) persons of capacity and one (1) per employee on the largest shift.	<p>A. There shall be a minimum side and rear setback of one hundred (100) feet for all structures and activity areas.</p> <p>B. Any outdoor garden or reception area will be located in the side or rear yards and screened from adjacent properties.</p> <p>C. Hours of operation shall be limited to 8 a.m. to 10 p.m. Sunday – Thursday and 8 a.m. to 12 a.m. Friday and Saturday. The use shall also be compliant with the Performance Standards in Section 8.23 and Township Noise Ordinance.</p> <p>D. Retail sales facilities shall be limited to fifteen (15%) percent of the Farm to Table gross floor area.</p> <p>E. Provide a copy of the insurance and license to serve alcohol policy, if applicable.</p>



**Oregon Township - Table of Use Requirements**

USE	DEFINITION	PARKING	DESIGN STANDARD
Farm Markets	A farm market is a year-round or seasonal location where transactions and marketing activities between multiple farm market operators and customers take place.	One (1) parking space per employee on the largest working shift and two hundred (200) square feet of gross floor area of activity area.	<p>A. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure.</p> <p>B. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the market.</p> <p>C. Fresh products as well as processed products may be sold at the farm market. At least fifty (50%) percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or fifty (50%) percent of the average gross sales for up to the previous five (5) years or as outlined in a business plan.</p> <p>D. Processed products will be considered as produced on and by the farm if at least fifty (50%) percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.</p> <p>E. Shall meet the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.</p>
Farm Roadside Stands	An accessory use to an on-site agricultural operation of a year-round or seasonal location where transactions and marketing activities between the property owner of the subject property and customers take place.	Two (2) spaces	Meet all applicable Generally Accepted Management Practices from the Michigan Department of Agricultural & Rural Development.
Keeping of Livestock, Poultry, Rabbits	Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.	N/A	<p>A. The keeping of livestock, poultry, and rabbits shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.</p> <p>B. The minimum of two and one half (2-1/2) acres for the first head of livestock and one (1) additional acre for each additional head of livestock.</p> <p>C. There shall be no limit on livestock on parcels of land containing twenty (20) or more acres in the AR district and forty (40) or more acres in the R-1 district.</p>
Landscaping Nursery/ Establishment & Greenhouse	An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed business.	One (1) parking space per employee on the largest working shift and four hundred (400) square feet of gross floor area of activity area.	The minimum property line setback is one hundred (100) feet from all customer areas and buildings.
Riding Academies/Stables	The keeping of horses, mules or ponies owned by the occupants of the premises and by those who are not occupants of the premises.	N/A	N/A
Veterinary Clinics	An establishment for the care and treatment of the diseases and injuries of animals and where animals may be boarded during their convalescence.	One (1) space for every employee, plus one (1) space for each exam room.	N/A



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Residential Uses</b>			
Assisted Living Facilities or Similar Senior Housing Facility for 6 Units or Less	A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters where the emphasis of the facility remains residential.	One (1) space per three (3) beds plus one (1) per employee on the largest working shift.	Meet all requirements of Licensing and Regulatory Affairs (LARA), if applicable.
Assisted Living Facilities or Similar Senior Housing Facility for 7 Units or Greater	A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters where the emphasis of the facility remains residential.	One (1) space per three (3) beds plus one (1) per employee on the largest working shift.	Meet all requirements of Licensing and Regulatory Affairs (LARA), if applicable.
Bed and Breakfast Establishments	A structure which was constructed for single-family residential purposes, but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.	One (1) space for each sleeping unit, plus one (1) space for each employee.	<p>A. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator and said operator shall live on the premises while the establishment is active.</p> <p>B. There shall be a maximum of six (6) rooms for lodging.</p> <p>C. Sufficient landscaping shall be used to screen the adjacent residences from the parking area or any outdoor eating area.</p> <p>D. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guest of the bed and breakfast.</p> <p>E. The bed and breakfast shall not alter the residential character of the building or structure.</p>
Boarding House	An establishment with lodging for five (5) or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.	Two (2) spaces for each sleeping unit.	<p>A. No separate cooking facilities shall be allowed in guestrooms.</p> <p>B. The permit holder shall secure and maintain all required state and local permits.</p> <p>C. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.</p> <p>D. Sufficient landscaping shall be used to screen the adjacent residences from the parking area or any outdoor eating area.</p> <p>E. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guest of the boarding house.</p> <p>F. The boarding house shall not alter the residential character of the building or structure.</p> <p>G. All operations shall maintain a guest register, and all guests shall be legibly registered. Guest register must be maintained on the premises or virtually.</p>
Cluster Housing and Open Space	A housing development which allows for the concentration of houses on small parcels of land to preserve open space areas.	Two (2) spaces for each dwelling unit.	See Additional Use Requirements, Section 5.02.



**Oregon Township - Table of Use Requirements**

<b>USE</b>	<b>DEFINITION</b>	<b>PARKING</b>	<b>DESIGN STANDARD</b>
Home Occupations	An occupation carried on in a dwelling unit by the resident; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character.	Two (2) spaces in addition to requirement for dwelling.	<p>A. The property owner shall obtain a zoning permit from the Zoning Administrator prior to commencing to operate a home occupation.</p> <p>B. The home occupation must be conducted entirely within a dwelling, which can include garages or other existing buildings.</p> <p>C. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.</p> <p>D. No noise, odor, fire hazard, or traffic activity shall be created beyond that which is normal in an agricultural or residential area.</p> <p>E. No outdoor storage or display of merchandise or materials shall be allowed.</p> <p>F. There shall be no employees, other than family members or unrelated property owners who reside in the home on the property.</p> <p>G. Permissible home occupations shall include, but not be limited to, crafts and the teaching of fine arts.</p> <p>H. All parking shall be contained on the same site as the use.</p>
Manufactured Housing Parks	Any parcel of land which has been designed, improved, or used for the placement of three (3) or more manufactured homes or manufactured homes for dwelling purposes.	One (1) space per dwelling unit.	<p>A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.</p> <p>B. All manufactured housing parks must comply with Section 6.02.</p>
Medical Marihuana Primary Caregiver	"Primary caregiver" or "caregiver" means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana, and who otherwise complies with all state regulation for being a Medical Marihuana caregiver.	N/A	See Additional Use Requirements, Section 5.03.
Multiple-Family Dwellings	A building used or designed as a residence for three (3) or more dwelling units.	Two (2) spaces for each dwelling unit.	<p>A. Multiple-family dwellings on parcels at least five (5) acres in size.</p> <p>B. There shall be no more than six (6) dwelling units per acre unless the units are served by municipal sewer and water systems.</p> <p>C. Each dwelling unit shall contain the minimum number of square feet specified in ARTICLE 6.</p> <p>D. In the case of multiple family dwellings, there shall be no less than four thousand (4,000) square feet of land area per dwelling unit.</p>
Residential Subdivisions	Single-family housing communities that are part of a subdivision development consistent with the Land Division Act 288 of 1967.	Two (2) spaces for each dwelling unit.	<p>A. Must comply with the Michigan Land Division Act 288 of 1967.</p> <p>B. Meet all the standards in Single-Family Dwelling Design Standards.</p>



**Oregon Township - Table of Use Requirements**

USE	DEFINITION	PARKING	DESIGN STANDARD
Single-Family Dwellings	A detached building designed for or occupied exclusively by one family.	Minimum two (2) spaces.	<p>A. MINIMUM SIZE. Each dwelling unit shall contain the minimum number of square feet specified in ARTICLE 6, prior to any alterations or additions.</p> <p>B. MINIMUM WIDTH. Each dwelling shall be no less than twenty-four (24) feet in width in any direction, prior to any additions or alterations.</p> <p>C. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the Building Inspector. Skirting consisting of brick, concrete blocks, wood, vinyl, or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation.</p> <p>D. ROOF. Each dwelling unit shall have a roof with no less than a 4-12 pitch.</p> <p>E. UNIT AGE. In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township.</p> <p>F. STORAGE FACILITIES. Each dwelling shall have either a basement, garage, or storage building containing at least two hundred (200) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling.</p> <p>G. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with Building Code requirements in effect at the time the dwelling is constructed or moved within the Township.</p>
Site Condominium Developments	A condominium development which includes only detached single-family residences located on individual sites.	Minimum two (2) spaces for each dwelling unit.	Meet all the standards in Single-Family Dwelling Design Standards.
State Licensed Family Day-Care Homes for Children	A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.	Minimum two (2) spaces plus one (1) for each employee.	N/A
State Licensed Group Child Day-Care	A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.	Minimum two (2) spaces plus one (1) for each employee.	<p>A. A spacing of one thousand, five hundred (1,500) feet from another group childcare home, adult foster care home, or Qualified Residential Treatment Programs.</p> <p>B. All outdoor play areas are adequately fenced by a four (4) foot, six (6) inch high cyclone or equivalent type fence.</p> <p>C. Maintains the property consistent with the visible characteristics of the neighborhood.</p> <p>D. Does not exceed sixteen (16) hours of operation during a twenty-four (24) -hour period. The local unit of government may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.</p>





**Oregon Township - Table of Use Requirements**

<b>USE</b>	<b>DEFINITION</b>	<b>PARKING</b>	<b>DESIGN STANDARD</b>
State Licensed Residential Facilities (Seven or More Residents)	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	Minimum two (2) spaces plus one (1) for each employee.	A. A state licensed adult foster care group home shall not be located within one thousand, five hundred (1,500) feet of another similar state licensed facility. B. Adult foster care home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
State Licensed Residential Facilities (Six or Fewer Residents)	A licensed private residence under the Adult Foster Care Licensing Act, P.A. 218 of 1979, as amended, with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.	Minimum two (2) spaces plus one (1) for each employee.	A. A state licensed adult foster care group home shall not be located within one thousand, five hundred (1,500) feet of another similar state licensed facility. B. Adult foster care home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
Temporary Dwelling	Temporary living accommodations.	Two (2) spaces for each dwelling unit.	See Additional Use Requirements, Section 5.04.
Two-Family Dwellings	A building used or designed as a residence for two (2) families.	Minimum two (2) for each dwelling unit.	A. MINIMUM SIZE. Each dwelling unit shall contain the minimum number of square feet specified in ARTICLE 6, prior to any alterations or additions. B. MINIMUM WIDTH. Each dwelling shall be no less than twenty-four (24) feet in width in any direction, prior to any additions or alterations. C. FOUNDATION. Each dwelling shall be provided with foundation support in the form of a perimeter masonry or treated wood foundation or cement pillars pursuant to the specifications of the Building Inspector. Skirting consisting of brick, concrete blocks, wood, vinyl, or aluminum shall be constructed completely around the lower edge of any dwelling utilizing pillars for a foundation. Each dwelling shall be securely anchored to the foundation. D. ROOF. Each dwelling unit shall have a roof with no less than a 4-12 pitch. E. UNIT AGE. In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township. F. STORAGE FACILITIES. Each dwelling shall have either a basement, garage, or storage building containing at least two hundred (200) square feet of storage area. The storage facility shall be constructed at the time of the completion of the dwelling. G. CONSTRUCTION CODE. Each dwelling and dwelling addition shall comply with Building Code requirements in effect at the time the dwelling is constructed or moved within the Township.
Qualified Residential Treatment Programs	Qualified residential treatment program that provides services for ten (10) or fewer individuals.	One (1) space per employee and one (1) space per two (2) beds, for max capacity of program.	Shall be located a minimum of one thousand, five hundred (1,500) feet from another group childcare home, adult foster care home, or Qualified Residential Treatment Programs.



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Commercial Uses</b>			
Adult Uses (Book Stores, Motion Picture Theaters, Novelty Stores, Massage Parlors, Cabarets, Topless Bars, or Similar Establishments)	<p>A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, includes items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas," or an establishment with a segment or section devoted to the sale or display of such material or items.</p> <p>Includes adult bookstores or video stores, adult motion-picture theaters, adult mini-motion-picture theaters, adult motels, adult nightclubs, and massage parlors.</p>	<p>One (1) for every three hundred (300) square feet of gross floor area, plus one (1) space for each employee.</p> <p>There shall be a minimum of four (4) parking spaces.</p>	<p>A. These regulations are based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the Township such as City of Renton v. Playtime Theatres Inc 475 U.S. 41 (1986), Young v. American Mini Theatres 426 US 50 (1976), Barnes v Glen Theatre Inc 501 US 560 (1991), City of Erie v Pap's AM TDA 529 US 277 (2000), City of Los Angeles v Alameda Books 121 S Ct. 1223 (2001) and other studies.</p> <ol style="list-style-type: none"> <li>1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.</li> <li>2. No use listed in this subsection shall be located within one thousand (1,000) feet of any religious institution, school, park, or Township Hall.</li> </ol> <p>B. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include "specified anatomical areas" or "specified sexual activities".</p> <p>C. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.</p> <p>D. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot-candle measured at floor level.</p>
Automobile, Truck, Construction Equipment, Farm Machinery Facilities (Service, Repair, Washing, Storage)	The use of a site for the repair of automobiles, trucks, construction equipment, or farm machinery, including the sale, installation, and services of equipment and parts. This use includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities.	One (1) space for each employee on the largest working shift, plus one (1) space per two hundred (200) gross floor area of retail space, plus two (2) spaces for each auto serviced.	<p>A. All gasoline pumps shall comply with the minimum setback requirements for principal buildings in the zoning district.</p> <p>B. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.</p> <p>C. Vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall not be maintained on the property for more than thirty (30) days. Such vehicles shall not be parked or stored in a front or side yard, and shall be screened.</p>
Dog Kennels	Any property on which five (5) or more dogs, or similar animals, four (4) months of age or older, are kept either permanently or temporarily.	One (1) space per employee, plus one (1) space per one thousand (1,000) square feet.	<p>A. All animals shall be housed and maintained in a safe and sanitary manner which complies with American Kennel Club standards.</p> <p>B. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.</p> <p>C. Dog kennels shall be setback a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.</p>
Drive-Through Establishments	A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle rather than within a building or structure.	<p>One (1) space per each motor vehicle served, plus one (1) space per each two (2) employees on the largest working shift.</p> <p>Stacking Spaces: Five (5) spaces minimum</p>	<p>A. Each drive-through facility shall provide a bypass lane to allow other vehicles to pass those waiting to be served.</p> <p>B. The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from a public or private roadway.</p> <p>C. The drive-through window and menu board speaker shall not face an adjacent residential district.</p>



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Eating and Drinking Establishments, Taverns, Bars, Clubs, or Other Similar Facilities	An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.	One (1) space for each three (3) persons at maximum seating capacity, plus one (1) space for each employee on the largest working shift.	N/A
Facilities for Electricians, Plumbers, and Similar Trades	An establishment utilized by a tradesperson to showcase and sell limited retail items along with housing equipment, vehicles, and materials relevant to the trade.	One (1) space for each three hundred (300) square feet of gross floor area in display or retail areas, plus one (1) space for each employee on the largest working shift.	N/A
Financial Institutions	A bank, savings and loan, credit union, mortgage office, or automated teller machine (ATM).	One (1) space for each three hundred (300) square feet of gross floor area.	N/A
Funeral Homes and Mortuaries	A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles.	One (1) space per one thousand (1,000) square feet of gross floor area.	N/A
Golf Courses	Tracts of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.	One (1) space for each two (2) employees plus one (1) space for every five hundred (500) square feet of gross floor area in the club house, plus a minimum of four (4) parking spaces per hole on the golf course.	<p>A. Minimum site size shall be twenty (20) acres.</p> <p>B. All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.</p> <p>C. Activities shall be adequately screened from abutting property.</p> <p>D. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.</p> <p>E. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.</p>
Hotels and Motels	A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a boarding house as herein defined.	One (1) space for each sleeping unit, plus one (1) space for each employee on the largest working shift.	N/A
Indoor Recreational Establishments (No Alcohol)	Country clubs, riding stables, golf courses, and other private noncommercial recreation areas and facilities, or recreation centers, including private swimming pools.	One (1) space for each three hundred (300) square feet of gross floor area.	N/A



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Lodge Halls, Private Clubs, Auditoriums	A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.	One (1) space for each three (3) persons at maximum seating capacity, plus one (1) space for each employee on the largest working shift.	N/A
Mini-Storage Facilities	An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of their household goods or personal property. Outdoor storage may be allowed when explicitly permitted by the Ordinance provisions.	One (1) space per each employee on maximum shift plus one (1) space.	A. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width. B. The outdoor storage of recreational vehicles, motorized homes, and travel trailers may be permitted. All such areas shall be on an aggregate treated surface, or better. Such storage shall be completely screened from view from all adjacent residential areas.
Open Air Businesses	A business including the sale or display of retail merchandise or services outside of a permanent structure. (Including drive-in theaters, fuel or propane sales, race tracks, used car sales, farm machinery sales, outdoor recreational facilities, building supply operations, or any retail business activities)	One (1) space for every five hundred (500) square feet of gross floor area, plus one (1) space for each employee on the largest working shift.	A. Loudspeakers or public address systems are prohibited. B. Additional screening, buffering, or landscaping along any property line where the Planning Commission determines such additional improvements would be necessary to reduce the impact of the proposed outdoor sales lot on adjoining properties.
Personal Service Establishments	Establishments providing nonmedically related services, including beauty and barber shops; clothing rental; dry cleaning pick-up stores; laundromats; psychic readers; shoe repair shops; tanning salons. These uses may also include accessory retail sales of products related to the services provided.	One (1) space for every three hundred (300) square feet of usable floor area, plus one (1) space for each employee. There shall be a minimum of four (4) parking spaces.	N/A
Professional and Business Offices	The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type of profession.	One (1) space for every two hundred (200) square feet of usable floor area plus one (1) space for each employee.	N/A
Retail Establishments 40,000 GFA or Less	A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Those which combined structure GFA is less than 40,000.	One (1) space for every three hundred (300) square feet of gross floor area, plus one (1) space for each employee. There shall be a minimum of four (4) parking spaces.	N/A
Retail Establishment Greater Than 40,000 GFA	A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. Those which combined structure GFA is more than 40,000.	One (1) space for every three hundred (350) square feet of gross floor area, plus one (1) space for each employee. There shall be a minimum of four (4) parking spaces.	N/A



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Shooting Ranges	A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.	Four (4) spaces for the first ten (10) acres and one (1) space per additional five (5) acres.	<p>A. Minimum site size shall be twenty (20) acres.</p> <p>B. All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.</p> <p>C. Activities shall be adequately screened from abutting property.</p> <p>D. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.</p> <p>E. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.</p>
Short-Term Rentals	<p>Any single-family dwelling and accessory buildings leased or occupied for non-agricultural rental purposes on a temporary basis.</p> <p>Local Agent. An individual designated to oversee the short-term rental of a dwelling unit and to respond to calls from renters, concerned citizens, and representatives of the Township.</p>	Two (2) spaces plus one (1) space per bedroom.	<p>A. A nonconforming building or lot shall not be utilized as a short-term rental.</p> <p>B. No sleeping facility shall be occupied as to provide less than three hundred (300) square feet of floor space per occupant excluding bathrooms and closets.</p> <p>C. All short-term rentals shall have a designated local agent. The local agent must live or maintain a physical place of business within twenty (20) miles of the dwelling unit used for short-term rentals. A property owner who meets these criteria may be the local agent.</p> <p>D. Upon Special Land Use or Site Plan Application for Short-Term Rentals, the applicant must provide certification from the Lapeer County Health Department that the Health Department has inspected the property's septic system and has certified that the system is capable of serving the maximum number of guests which shall use the short-term rental at any given time.</p> <p>E. The short-term rental shall not alter the residential character of the building or structure.</p> <p>F. All operations shall maintain a guest register, and all guests shall be legibly registered. Guest register shall be kept on the premises or may be kept virtually.</p> <p>G. A guest book (emergency contact info, escape route, etc.) shall be kept on site at all times.</p> <p>H. Sufficient landscaping shall be used to screen the adjacent residences from the parking area or any outdoor eating area. See Section 8.13.</p> <p>I. Upon application for a Special Land Use, the owner shall provide the Township with contact information for the local agent and keep an updated copy of the local agent contact information with the Township.</p> <p>J. All parking must be contained on the same parcel as the primary use.</p> <p>K. All parking must be on a hard surface. See "parking, off-street accessory" design standard I.</p> <p>L. The minimum parcel size for any short-term rental shall be 2.5 acres.</p>
Wholesale Business Operations	An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.	Two (2) spaces plus one (1) space for each employee on the largest working shift.	N/A



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Industrial Uses</b>			
Building Material Sales Operations	A facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other building products, and other building products are stored and sold.	One (1) space per each five hundred (500) square feet of floor area.	N/A
Factories (Including Manufacturing, Assembling, Machining)	Buildings which house the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change either the form, character, or appearance thereof, and includes storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.	One (1) for each employee computed on the basis of the greatest number of persons employed at any period during the day.	A. All parking areas shall be screened from any adjacent residential or agricultural use or zoning district with a fence, landscaping, berm, or other method approved by the Planning Commission. B. Must comply with Performance Standards. See Section 8.23.
Fuel Storage Facilities and Fuel Transfer Facilities (Including Propane, Petroleum, Ethanol, and Similar Fuels)	Facilities that include storage tanks, either above or below ground, and/or pipelines, which provide storage or conveyance for oil, gas, and other similar fuels for retail or commercial sale.	One (1) space per two hundred (200) square feet of usable floor area, plus one (1) space for each employee on the basis of the maximum number of employees on duty at any one time, plus two (2) spaces for each auto serviced.	A. All parking areas shall be screened from any adjacent residential or agricultural use or zoning district with a fence, landscaping, berm, or other method approved by the Planning Commission. B. Must comply with Performance Standards. See Section 8.23.
Industries Involving the Processing, Treatment, Use, or Storage of Explosives, Toxic Chemicals, or Radioactive Materials	Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.	One (1) space for each employee computed on the basis of the greatest number of persons employed at any period during the day.	A. Must demonstrate compliance with all applicable state, federal, and county regulations. B. Must comply with Performance Standards. See Section 8.23.
Junk or Recycling Yards	Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.	Two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use or stored on the premises.	A. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres. B. The setback from the front road right-of-way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet. C. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance, and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs, and mowed grass. D. No junk, scrap, inoperable vehicles, or unlicensed vehicles shall be stored, placed, or parked outside of the enclosed area.



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Laboratories	A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.	One (1) space for each employee on maximum shift.	A. Must demonstrate compliance with all applicable state, federal, and county regulations. B. Must comply with Performance Standards. See Section 8.23.
Mining or Quarrying	The removal of sand, clay, gravel, soil, or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.	One (1) space per employee of the largest shift, plus one (1) space per facility vehicle.	See Section 5.11.
Public Utility Service Yards	The use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service.	One (1) space for each employee on the maximum work shift.	See additional use requirements, Section 5.05.
Recycling Facilities	A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.	One (1) space per employee on the maximum work shift.	A. No parcel of land shall be used for the operation of a recycling facility unless such parcel shall have an area under single ownership of at least forty (40) acres. B. The setback from the front road right of way line to any area upon which recycling materials are stored shall be not less than one hundred (100) feet. C. Any recycling facilities must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the facility. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs, and mowed grass. D. No junk, scrap, inoperable vehicles, or unlicensed vehicles shall be stored, placed, or parked outside of the enclosed area.
Repair Facilities	General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.	One (1) space for each three hundred (300) square feet of usable floor area plus one (1) space for each employee. There shall be a minimum of four (4) parking spaces.	N/A
Slaughterhouses and Meat Processing Facilities	A facility for the slaughtering and processing of animals and the refining of their byproducts.	One space per one thousand (1,000) square feet of gross floor area.	A. Must demonstrate compliance with all applicable state, federal, and county regulations. B. Must comply with Performance Standards. See Section 8.23.
Solar Farms	A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity.	N/A	See additional use requirements, Section 5.06, Section 5.07, Section 5.08, and Section 5.09.





Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Warehousing, Storage, or Wholesale Facilities	A use engaged in storage, wholesale, and distribution of manufactured products supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.	One (1) for each employee computed on the basis of the greatest number of persons employed at any period during the day.	N/A
<b>Institutional Uses</b>			
Cemeteries	Land used or dedicated to the burial of the dead, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.	One (1) space per full-time employee.	A. Assembly: The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
Cremation Facilities	A facility containing a certified apparatus intended for use in the act of cremation of human remains.	One (1) space for each three hundred (300) square feet of usable floor area plus one (1) space for each employee.	A. All cremation facilities must be within an enclosed building. B. All remains, prior to incineration, must be stored in an enclosed building. C. Stack heights must be elevated to a height necessary to ensure that emissions from the stack do not result in excessive concentrations of any smoke in the immediate vicinity of the source as a result of atmospheric downwash, eddies, and wakes which may be created by the source itself or nearby structures. If the height exceeds the maximum height allowed for the zoning district, the Planning Commission may allow a taller stack after a public hearing. D. The setbacks for such stack from all abutting streets or adjacent parcels shall be a distance equal to the height of such stack. E. All emissions shall comply with the performance standards in Section 8.23. F. Must demonstrate compliance with all applicable state, federal, and county regulations.
Dental Clinic	Offices organized as a unified facility to provide dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.	One (1) space per every two hundred (200) square feet of usable floor area plus one (1) space for each employee.	N/A
Hospitals	An institution, licensed by the State of Michigan Health Department, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.	One (1) space per two (2) beds plus one (1) space for each employee.	N/A
Medical Offices	Offices organized as a unified facility to provide medical treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.	One (1) space per every two hundred (200) square feet of usable floor area plus one (1) space for each employee.	N/A





Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Private, Public, and Vocational Schools	An institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.	One (1) space per twenty-five (25) classroom seats.	N/A
Public Buildings	Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.	One (1) space per two (200) square feet of usable floor area plus one (1) space for each employee.	See additional use requirements for public service facilities, if applicable, Section 5.05.
Recreation Facilities, Park, and Activities	Recreation facilities operated as a business and open to the general public for a fee.	Four (4) spaces for the first two (2) acres and one (1) space per additional two (2) acres.	<p>A. Minimum site size shall be twenty (20) acres.</p> <p>B. All development features shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines.</p> <p>C. Activities shall be adequately screened from abutting property.</p> <p>D. The Planning Commission may impose restrictions as to hours of operation, noise levels, and sanitation requirements.</p> <p>E. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.</p>
Religious Institution	A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, recreational, or other uses not normally associated with worship. Includes churches, chapels, cathedrals, temples, and similar designations.	One (1) space per four (4) seats based upon maximum seating capacity.	N/A
Sanitariums	A building and premises, other than a hospital, intended for the care and housing of more than five sick, injured, or infirm persons for compensation.	One (1) space per two (2) beds plus one (1) space for each employee.	N/A
Township and Other Governmental Buildings, Structures, and Facilities	Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.	One (1) space per two (200) square feet of usable floor area plus one (1) space for each employee.	N/A
Travel Trailer Park	Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers used for overnight accommodations.	One and one half (1.5) spaces per each travel trailer site.	Must meet requirements of the Michigan Department of Natural Resources.



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
<b>Other Uses</b>			
Accessory Structures	A building related to and secondary to the main use of the premises.	N/A	See additional use requirements, Section 5.10.
Accessory Uses	A use naturally and normally incidental and subordinate to the main use of the premises.	N/A	See additionally use requirements, Section 5.10.
Airports	Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.	One (1) space per employee, plus one (1) space for each one hundred (100) square feet of waiting room.	Must be developed consistent with Federal Aviation Administration rules and regulations.
Communications Towers	A radio, telephone, cellular telephone, internet, or television relay structure or antenna attached directly to the ground or to another structure, used for the transmission or reception of radio, television, internet, microwave, or any other form of telecommunications signals.	N/A	See additional use requirements, Section 5.05.
Community Swimming Pool, Public or Private	Any artificial basin of water constructed or erected for wading or swimming.	One (1) space per two hundred (200) square feet of pool surface area, plus one (1) for each two hundred (200) square feet of building area in accessory structures in excess of one thousand (1,000) square feet.	N/A
Temporary Uses	A building or use which is not permanent to the property and is permitted to exist for a specific reason for a specific period of time.	To be determined by the Zoning Administrator.	The Zoning Administrator shall issue zoning permits for temporary land uses if they meet the following criteria: A. The use does not require the erection of any capital improvement of a structural nature. B. The use shall be for no more than twelve (12) months. C. The use shall in no way constitute a change in the permitted uses in the zoning district. D. The use shall be in general harmony with the character of the surrounding area. E. All setbacks, land coverage, off-street parking, and other requirements of the ordinance shall be met. F. All temporary parking areas must comply with the standards of ARTICLE 7.
Outdoor Storage	The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building.	One (1) spare per employee on largest shift.	Must be screened from public right-of-way and any residential zoning district or use by a 6-foot-high fence, wall, or landscaping buffer.



**Oregon Township - Table of Use Requirements**

<b>USE</b>	<b>DEFINITION</b>	<b>PARKING</b>	<b>DESIGN STANDARD</b>
Parking, Off-Street Accessory	A space which is intended for off-street vehicular parking.	N/A	<p>A. MINIMUM PARKING SPACE SIZE. Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.</p> <p>B. MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS. The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.</p> <p>C. LOCATION OF PARKING SPACE. The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.</p> <p>D. SEATING. As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of bench or other seating facilities.</p> <p>E. SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.</p> <p>F. EXISTING OFF-STREET PARKING. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.</p> <p>G. DRAINAGE. All parking areas shall be drained to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds, or entirely on to the property on which the parking lot is located.</p> <p>H. ILLUMINATION. All illumination for such parking areas shall be deflected away from adjacent residential areas.</p> <p>I. HARD SURFACING. All required parking areas for commercial, industrial, or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.</p>
Ponds	Any inland body of water that in its natural state has a surface area of one thousand (1,000) square feet or more, and any body of water artificially formed or increased that has a surface area of one thousand (1,000) square feet or more.	N/A	<p>A. Ponds shall be set back at least one hundred (100) feet from all property lines, easement lines, and septic fields.</p> <p>B. Ponds shall only be located on parcels of land containing at least two and one-half (2½) acres.</p> <p>C. Any spoil or berms remaining from pond excavations shall be graded and contoured to blend into the surrounding landscape.</p> <p>D. Pond construction, maintenance, and operation including berming or placement of spoils on site shall not create or increase storm water or other surface water run-off onto adjacent parcels or rights-of-way.</p> <p>E. The applicant shall comply with all required reviews and permits from state and county agencies including, but not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Wetlands regulated by the state.</li> <li>2. County soil erosion and sedimentation control permit.</li> <li>3. State regulation within five hundred (500) feet of any lake or stream.</li> </ol>



Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Public Utility	The use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. Also includes the use of land for utility purposes, whether owned, controlled, or operated by a public entity, whose services are performed for, or commodities delivered to the public or any portion thereof. Private energy production, transmission, relay, repeater, translator, radio and television towers and equipment, and cable television facilities are also considered public utilities.	One (1) space for each four hundred (400) square feet of gross floor area devoted to office use; one (1) space for each eight hundred (800) square feet of gross floor area per other use.	Transmission lines and some public utilities are exempt from local zoning by Michigan Law.  See additional use requirements, Section 5.05.
Yard Sales	The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a Residential Zoning District, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute a yard sale.	N/A	No person shall operate or permit to be operated on his or her property any yard sale, except in compliance with the following requirements: A. No yard sale shall be conducted for more than four (4) days. B. No more than four (4) yard sales may be held during any calendar year. C. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale. D. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall include sales commonly known as "garage sales", "porch sales", "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "yard sale." Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be "yard sales" covered by this Ordinance.

Oregon Township - Table of Use Requirements			
USE	DEFINITION	PARKING	DESIGN STANDARD
Wind Generation Towers (Wind Energy System)	A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft; A surface area such as a blade, rotor, or similar device, either variable or fixed, for utilizing the wind for electrical or mechanical power; A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; or The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.	N/A	<p>A. The applicant shall submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice, and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.</p> <p>B. The minimum setback from any property line, road right-of-way, or right-of-way for power lines, shall be equal to one hundred twenty-five (125%) percent of the height of the windmill blades at the highest point.</p> <p>C. The minimum clearance from ground level to the blade at its lowest point shall be twenty (20) feet.</p> <p>D. The tower shall not be unreasonably injurious to the safety or market value of nearby properties.</p> <p>E. All windmill bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.</p> <p>F. The towers, windmills, and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency.</p> <p>G. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.</p> <p>H. The provisions of Section 5.05.B.12 shall also be complied with as to wind energy systems.</p>





## ARTICLE 5 Additional Use Requirements



### Section 5.01. PURPOSE.

This section is intended to allow for more detailed design standards that would not fit in the Table of Use Requirements, Section 4.08, due to length, for specific uses. These standards are intended to alleviate any adverse impacts of a use that is of an area, intensity, or type atypical from the Zoning District in which the use is allowed. Additionally, these standards are intended to mitigate the impacts of a use that possesses characteristics unique or atypical for the district in which the use is allowed, to ensure that such uses will be compatible with surrounding land uses, and to promote the orderly development of the district and the Township as a whole.

### Section 5.02. CLUSTER HOUSING AND OPEN SPACE.

- A. Open space. Land qualifying as open space shall be land set aside for recreational conservation or agricultural uses and preserved in an undeveloped state. Open space shall not be deemed to include areas within road right-of-way, county drain easements, or residential yard areas. Development of preserved open space lands or their use for other than recreation, conservation or agriculture purposes shall be prohibited.
- B. Minimum site size. The clustering of single-family dwellings may only be permitted on parcels of land containing at least ten (10) acres.
- C. Open space minimum. A single-family cluster development must preserve open space equal to a minimum of forty (40%) percent of the total area of the parcel on which the cluster housing is constructed.
- D. Features to be preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
  - 1. Natural stands of large trees.
  - 2. Natural habitat for wildlife.
  - 3. Unusual topographic features.
  - 4. Productive farmland.
  - 5. Water or wetland areas.
- E. Maximum number of dwelling units allowed and minimum lot area. The maximum number of dwelling units within a cluster housing development which may be allowed by the Planning Commission shall be an average of one (1) dwelling unit per two (2) acres, based on the total land area of the parcel on which the cluster housing is constructed. The maximum lot area for each dwelling unit required in the AR Zoning District may be reduced by the Planning Commission to no less than one (1) acre to accommodate a cluster housing development.
- F. Minimum setbacks and lot width. In areas approved for cluster housing, the required setbacks and lot widths may be reduced by the Planning Commission, subject to the following minimums:
- G. The minimum side yard and rear yard setbacks shall be at least fifteen (15) feet.
- H. The minimum lot width shall be at least one hundred (100) feet.
- I. Road access. All dwelling units within a cluster housing development shall enter only onto an internal road and not onto an existing public road.
- J. Common ownership of preserved areas. Any land intended to be used as common area



by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:

1. The title of the open space would be held in common by the owners of all dwelling units in the cluster development.
  2. That a permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
  3. That the restrictions would be sufficient to assure the permanent preservation of open space.
- K. Preserved areas not owned in common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions necessary with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:
1. That the proposed manner of holding title to the preserved open land is acceptable to the Township.
  2. That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
  3. That the restriction could be enforced by all property owners and by the Township.

#### Section 5.03. MEDICAL MARIHUANA PRIMARY CAREGIVER.

- A. Medical marihuana caregiver operations are permitted in AR and R-1 zoning districts after obtaining a zoning permit pursuant to the following requirements:
1. Any medical marihuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marihuana, including but not limited to the Michigan Medical Marihuana Act (MMMA) and the Administrative Rules promulgated by the State of Michigan as well as complying with all local ordinances governing the use of medical marihuana.
  2. Medical marihuana caregivers shall only be allowed to grow or cultivate medical marihuana and/or assist with the medical use of marihuana on the property that is the primary caregiver's primary residence. A primary caregiver shall provide the Township with a copy of the documentation showing that the primary caregiver has obtained a principal residence exemption for the property where the primary caregiver seeks to assist others with the medical use of marihuana. If a primary caregiver is no longer eligible to obtain a principal residence exemption on the property, the primary caregiver shall immediately cease and desist using the property to assist others with the medical use of marihuana.
  3. No more than two (2) caregivers shall assist patients with the medical use of marihuana out of any parcel of property. This means, among other things, that in no event shall more than two caregivers grow and/or cultivate medical marihuana on a single parcel of land.
  4. A primary caregiver is required to register the location he or she is using to grow or cultivate medical marihuana with the Oregon Township Clerk's office and the Lapeer County Construction Code Authority. At the time of the registration, the primary caregiver shall provide the following information:
    - a. A current Michigan registration card issued to the primary caregiver indicating the caregiver's status under the MMMA.





- b. A full description of the nature and types of equipment which will be used in cultivating and processing the medical marihuana.
    - c. Sufficient evidence that the dwelling is owned by the caregiver and that the caregiver has obtained a principal residence exemption on the property.
  5. All medical marihuana grown or cultivated by the caregiver shall be contained in an enclosed, locked facility that is inaccessible on all sides and equipped with locks or other security devices that permit access only to the registered primary caregiver in full compliance with the MMMA and Administrative Rules.
  6. The caregiver(s) activities assisting patients with the medical use of marihuana on the property shall be clearly incidental and secondary to the use of the premises as a residence.
  7. No noise, odor, fire hazard or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
  8. Medical marihuana caregivers shall be required to renew their zoning permit annually, which shall be accompanied by an annual inspection of the property being used to assist patients with their medical use of marihuana.
  9. Nothing in this Zoning Ordinance shall be construed as authorizing any “marihuana facility” under the Medical Marihuana Facilities Licensing Act as set forth in MCL 333.27205.
  10. Any term used in this Section 5.03.A that is defined in the Michigan Medical Marihuana Act shall have the same meaning for this Section 5.03.A. See MCL 333.26423.
- B. Medical marihuana caregiver operations are permitted after obtaining a zoning permit on a parcel located in the R-1 Single Family Residential district that is 2.5 acres or larger pursuant to the following requirements:
1. Any medical marihuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marihuana, including but not limited to the Michigan Medical Marihuana Act (MMMA) and the Administrative Rules promulgated by the State of Michigan as well as complying with all local ordinances governing the use of medical marihuana.
  2. Medical marihuana caregivers shall only be allowed to grow or cultivate medical marihuana and/or assist with the medical use of marihuana on the property that is the primary caregiver’s primary residence. A primary caregiver shall provide the Township with a copy of the documentation showing that the primary caregiver has obtained a principal residence exemption for the property where the primary caregiver seeks to assist others with the medical use of marihuana. If a primary caregiver is no longer eligible to obtain a principal residence exemption on the property, the primary caregiver shall immediately cease and desist using the property to assist others with the medical use of marihuana.
  3. No more than two (2) caregivers shall assist patients with the medical use of marihuana out of any parcel of property. This means, among other things, that in no event shall more than two caregivers grow and/or cultivate medical marihuana on a single parcel of land.
  4. A primary caregiver is required to register the location he or she is using to grow or cultivate medical marihuana with the Oregon Township Clerk’s office and the Lapeer County Construction Code Authority. At the time of the registration, the primary caregiver shall provide the following information:





- a. A current Michigan registration card issued to the primary caregiver indicating the caregiver's status under the MMMA.
  - b. A full description of the nature and types of equipment which will be used in cultivating and processing the medical marihuana.
  - c. Sufficient evidence that the dwelling is owned by the caregiver and that the caregiver has obtained a principal residence exemption on the property.
5. All medical marihuana grown or cultivated by the caregiver shall be contained in an enclosed, locked facility that is inaccessible on all sides and equipped with locks or other security devices that permit access only to the registered primary caregiver in full compliance with the MMMA and Administrative Rules.
  6. The caregiver(s) activities assisting patients with the medical use of marihuana on the property shall be clearly incidental and secondary to the use of the premises as a residence.
  7. No noise, odor, fire hazard or traffic activity shall be created beyond that which is normal in an agricultural or residential area.
  8. Medical marihuana caregivers shall be required to renew their zoning permit annually, which shall be accompanied by an annual inspection of the property being used to assist patients with their medical use of marihuana.
  9. Nothing in this Zoning Ordinance shall be construed as authorizing any "marihuana facility" under the Medical Marihuana Facilities Licensing Act as set forth in MCL 333.27205.
  10. Any term used in this Section 5.03.B that is defined in the Michigan Medical Marihuana Act shall have the same meaning for Section 5.03.A. See MCL 333.26423.

#### Section 5.04. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a manufactured home or other structure as a temporary dwelling to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single-family dwelling standards contained in Section 4.08. A temporary dwelling permit may be issued if the following requirements are complied with:
  1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied, except in the case of permanent dwellings which have been damaged by fire or other casualty.
  2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
  3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
  4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
  5. A performance bond, letter of credit, or cash deposit shall be posted with the



Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling. The Township Board may waive this requirement in hardship cases.

- B. Administrative approval to permit the occupancy of temporary dwellings, including manufactured homes, which do not comply with the single-family dwelling standards of Section 4.08 may be granted by the Zoning Administrator pursuant to the procedures contained in ARTICLE 15. All temporary dwellings must comply with the Township's fee schedule.
1. Such administrative approvals may only be granted for the purpose of housing family members who are unable to reside elsewhere due to age, poor health, or indigence.
  2. Any manufactured home approved under this section may not be over ten (10) years old at the time it is placed on the site.
  3. All such manufactured homes shall be inspected by the Building Inspector to verify Code compliance prior to being brought into the Township.
  4. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting.
  5. In the event that a temporary dwelling ceases to be occupied by the persons for which it was granted, the temporary dwelling shall be removed from the property within one hundred twenty (120) days of the date it ceases to be occupied by those persons.

#### Section 5.05. PUBLIC SERVICE FACILITIES, COMMUNICATION TOWERS, AND WIND ELECTRICAL GENERATION TOWERS.

- A. Exempt Antennas and Windmills. Communication antennas, wind generation towers, windmills, and related facilities belonging to farmers, homeowners, or business owners, and used for on-site purposes only shall be exempt from the requirements of this Section and shall be allowed as a permitted use in all zoning districts, providing that the antenna, windmill, or related facilities do not exceed eighty (80) feet in height. Any towers, windmills, or related facilities shall be set back from any property lines, right-of-ways for power lines, or road right-of-ways no less than a distance equal to one hundred (100%) percent of the height of the structure. The height shall be measured from the ground level to the top of the tower, antenna, or windmill blade, whichever is tallest.
- B. Commercial Communication Towers. All commercial communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, internet and similar communication services, may be allowed as Special Land Uses in all zoning districts except MHP, pursuant to ARTICLE 14, subject to the following requirements:
1. An applicant shall submit a site plan and a written application, which shall include an explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice, and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. The application shall be reviewed by the Zoning Administrator, who shall notify the applicant within fourteen (14) days if there is any additional information needed to make the application complete. If no notice is sent to the applicant within the fourteen (14) day period, the application shall be deemed to be complete.



2. The Planning Commission must act on an application for Special Land Use approval for a communication tower which does not involve co-location within ninety (90) days of receipt of a completed application.
3. The minimum setback from any property line, road right-of-way, or right-of-way for power lines, shall be equal to one hundred twenty-five (125%) percent of the height of the tower.
4. Any electrical, telephone, or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one (1) antenna and more than one (1) user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
7. Co-location shall be deemed to be “feasible” for the purposes of this Section, where all of the following are met:
  - a. The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
  - b. The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
  - c. Existing towers or structures are located within the geographic area which meet the applicant’s engineering requirements.
  - d. The fees, costs, or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in Section 5.05.A and B are met.
9. No communication tower shall be located within one and one half (1.5) miles of an existing tower.
10. The unit shall be painted a neutral color such as beige or gray. Alternatively, if the unit is constructed of galvanized metal, the unit may either remain unpainted or be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission. Additionally, the applicant shall maintain the tower in the approved color throughout the lifespan of the tower, meaning that the applicant shall repaint the tower to match its original color in the event that the tower becomes discolored during the lifespan of the tower.
11. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one (1) year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the



tower and its accessory use facilities shall include removing the top six (6) feet of the caisson upon which the tower is located. This area shall then be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation.

12. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. See Section 14.06. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

#### Section 5.06. SOLAR ENERGY SYSTEMS.

##### A. PURPOSE OF THE SOLAR ENERGY COLLECTION SYSTEM REQUIREMENTS.

These requirements are designed to protect areas from potential adverse impacts of solar energy collection systems and to consider the health and safety of the public in their placement and usage. Commercial and personal use of either structure-mounted or ground-mounted energy collection systems will be permitted within the jurisdiction.

##### B. DEFINITIONS.

1. On-Site Solar Energy Collector. One or more solar energy collectors that are located on one single parcel of property.
2. Private Use. A solar energy collector for private use shall be utilized primarily to provide generated electricity that is used on the parcel of property where the solar energy collector is located. This definition does not prohibit the landowner from selling electricity generated in excess of the amount used on the parcel back to an energy company, but such sales shall be a secondary purpose and the majority of energy generated on the parcel shall be used on the parcel.
3. Screening. A ground-mounted solar energy collector shall be screened. Solar energy collector screening shall be a minimum of eighty (80%) percent opaque and installed on the front and on all sides or rear of a solar energy collector visible from a public right-of-way. Screening shall consist of fencing, wall, evergreen vegetation, berm, or combination thereof. Plant material used for screening shall be a minimum of twenty-four (24) inches tall and of a size, quantity and spacing to achieve a fifty (50%) percent year-round opacity at the time of planting. Diversity and native species are encouraged. Plant material shall comply with ANSI American Standard for Nursery Stock, as amended.
4. Solar Energy Collector. A panel or panels and/or other devices or equipment, or any combination thereof, that collect, store, distribute and/or transform solar, radiant energy into electrical, thermal, or chemical energy for the purpose of generating electric power or other forms of generated energy for use in or associated with a principal land use on the parcel of land on which the solar energy collector is located and, if permitted, for the distribution to other lands. This includes solar panels but shall exclude solar shingles and temporary, man-portable solar energy collection devices.
  - a. Building-mounted Solar Energy Collector. A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or window or other element in whole or in part of a building.
  - b. Ground-mounted Solar Energy Collector. A solar energy collector that is not



attached to and is separate from any building on the parcel of land on which the solar energy collector is located.

- c. Commercial Solar Energy Collector (Solar Farm). A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Commonly referred to as solar farm.
5. Solar Panel. A panel consisting of an array of solar cells used to generate electricity directly from sunlight.
6. Solar Shingles. A roofing product made by combining thin film solar technology (which converts sunlight to electricity) with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.
7. Racking. Racking is any structure or building material used in the mounting of a solar panel.
8. Temporary, Man-Portable Solar Energy Collection Devices. One (1) or more temporary solar energy collectors that are not attached to the ground or a structure, that are man-portable and which generate a total of not more than one (1) kilowatt of power per parcel.

#### C. ALL SOLAR ENERGY COLLECTOR REQUIREMENTS

1. Installation. The applicant shall show how all panels will be secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
2. Standards. Each system shall comply with the following standards:
  - a. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
  - b. Solar energy collectors and installation and uses shall comply with Construction Codes, Electrical Codes, and other state requirements.
3. Visual Appearance. Solar energy collectors and racking shall be dull or dark in color, non-glossy, and substantially non-reflective of light. This shall not create a nuisance to adjacent dwelling units.
4. Storm Water Runoff. The installation of any solar panel (private or commercial) shall not negatively impact adjacent properties with additional or excessive storm water runoff and/or drainage.

#### Section 5.07. SOLAR ENERGY COLLECTORS FOR PRIVATE USE.

- A. The use of solar energy collectors for private use shall be allowed in all zoning districts subject to the requirement that the property owner first obtain a zoning permit and comply with the applicable provisions of Section 5.06 through Section 5.09.
  1. Building-Mounted Solar Energy Collector (On-Site Use). The use of building-mounted solar energy collectors for private use shall be permitted in all zoning districts, subject to the requirement that the property owner first obtain a zoning permit with the following requirements:
    - a. Maximum Height. Solar energy collectors shall not project more than two (2) feet above the highest point of a roof or exceed maximum building height limitations allowed in that zoning district.
    - b. Placement on Structure. Solar energy collectors that are mounted on a roof shall meet the following requirements:
      - (1) Solar energy collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.





- (2) Solar energy collectors shall be such a weight to be safely supported by the structure. Building Official approval is required.
  - (3) Solar energy collectors shall be permanently attached to a building or structure. Building Official approval is required.
  - (4) Solar energy collectors shall not project higher than the building height if placed on a wall.
- c. Installation/Review. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.
- 2. Ground-Mounted Solar Energy Collector (On-site Use). The use of ground-mounted solar energy collectors for private use shall be permitted in all zoning districts subject to the requirement that the property owner first obtain a zoning permit with the following requirements:
  - a. Setbacks. Ground-mounted solar energy collectors are permitted in front, rear, and side yards, but shall not be placed in the required setbacks for accessory buildings per Section 5.10 of this Zoning Ordinance.
  - b. Maximum Height. Ground-mounted solar energy collectors shall not exceed twelve (12) feet in height measured from the ground at the base of such equipment. The height of the ground-mounted solar energy collector shall be measured from ground level to the highest point of the solar panel.
  - c. Installation/Review. Solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to Building Official prior to installation. Building Official approval is required.

#### Section 5.08. COMMERCIAL SOLAR ENERGY COLLECTOR.

- A. The use of a utility-scale facility for solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity shall be permitted in the AR – Agricultural Residential District subject to Special Land Use Approval with the following requirements:
  - 1. Installation shall comply with all requirements previously listed based on if it is building-mounted (Section 5.07.A.1) or ground-mounted (Section 5.07.A.2).
  - 2. Setbacks. Setback requirements for solar farms must meet the minimum building setback requirements for the zoning district it is in, but will be a minimum of two hundred (200) feet from a residential dwelling unit not located on the property. The setback shall be measured to the nearest solar array or other structure within the solar farm, excluding security fencing, screening, or berm.
  - 3. Screening and Financial Guarantee. Commercial solar energy collectors shall be screened from residential dwelling units and/or other land uses required by the Planning Commission. The screening zone shall show the location of fences/landscape buffers and residential dwelling units on contiguous lots. The screening must meet the definition of screening in Section 5.06.B of this Zoning Ordinance. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to one hundred twenty-five (125%) percent of the costs to meet the required landscaping requirements. The financial guarantee shall remain in effect until vegetation is sufficiently established in accordance with the requirements set forth in the Zoning Ordinance.



4. Vegetation. Vegetation requirements and management shall meet requirements of Section 5.06 through Section 5.07 related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by the Planning Commission:
  - a. Restrictions on tree clearing, the removal of mature trees, or mitigation for cleared trees may be required by the Planning Commission. Such restrictions shall be designed to protect neighboring properties from nuisance (audio, visual, or otherwise), decline in property value, and to protect the health, safety, and welfare of the surrounding community.
  - b. Vegetation ground cover shall be maintained in good condition on the entire site during the operation until the site is decommissioned.
5. Power Communication Lines.
  - a. Power and communication lines running between the banks of the solar panel shall be buried unless the following exception applies:
    - (1) Where shallow bed rock, water course, or other elements of the natural landscape interfere with the ability to bury lines.
6. Site Restoration Plan. Include a site restoration plan that shows the use of the site should the panels be removed as well as method and mechanisms to implement the site restoration plan.
7. Review. The solar panels and array of panels shall be reviewed by a fire department representative(s) designated by the Township. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the fire department to isolate the panels in case of fire.
  - a. The fire department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
8. Drive Requirements. Access drives and interior drives for the facility must be designed to allow for appropriate ingress, egress, and internal circulation of emergency vehicles, including but not limited to having the capability of withstanding vehicles weighing up to 22,000 pounds and providing sufficient room for emergency vehicles to turn around as necessary.

**Section 5.09. ZONING PERMIT REQUIREMENTS FOR PRIVATE USE ON-SITE BUILDING-MOUNTED AND GROUND-MOUNTED SOLAR ENERGY COLLECTORS.**

- A. The following informational requirements shall be included as part of the zoning permit application:
  1. Parcel information, including:
    - a. Lot dimensions;
    - b. Dimension and location of the solar energy collection system to be installed;
    - c. Setbacks from the property lines of the proposed solar energy collection system location; and
    - d. A drawing of the entire property showing existing and proposed property lines, structures, buildings, roads, driveways, bodies of water, and other significant physical features.
  2. An indication that the construction is either not located within five hundred (500) feet of a lake, stream, wetland, county drain, natural or artificial body of water, or if the construction is within five hundred (500) feet of such a body of water then either a soil erosion permit or a waiver from the Lapeer County Health Department.



3. Location of any existing septic tank and field on the property.
4. Location of any well on the property.
5. Designation of any overhead utility wires on or near the property.
6. Designation of any underground utility wires, gas lines, or other buried utilities.

**B. SITE PLAN REVIEW REQUIREMENTS FOR COMMERCIAL SOLAR ENERGY COLLECTION SYSTEMS**

1. Required site plan information in Section 13.04.
2. Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties.
3. The number of panels to be installed.
4. The mounting heights and total height of panels in an elevated or tilted position.
5. Location and spacing of solar panels.
6. Location of access roads.
7. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.
8. Information required in Section 5.09.A.
9. Planned location of underground or overhead electric lines connecting the solar farm to the building, substation, or other electric load.
10. New electrical equipment other than at the existing building or substation that is the connection point for the solar farm.
11. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment, and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Township equal to one hundred twenty-five percent (125%) of the costs to meet the requirements of the decommissioning plan. The type of guarantee is subject to the Planning Commission's approval.
12. AVIATION ANALYSIS. If the project is within two (2) miles of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or successor policy. The applicant must also complete the Air Space Case Analysis (Form 7460) and provide the results.
13. An analysis of the potential visual impacts from the project including solar panels, roads, and fencing along with measures to avoid, minimize, or mitigate the visual effects shall be required. A plan may be required showing vegetative screening or buffering of the system from those items to mitigate for visual impacts in accordance with this Zoning Ordinance.





### Section 5.10. ACCESSORY BUILDINGS ON RESIDENTIAL PARCELS.

- A. In the R-1 Zoning District and on non-agricultural parcels in the AR Zoning District, accessory buildings shall be subject to the following regulations:
- B. No accessory buildings shall be constructed on a parcel of land unless a dwelling is also located on that parcel, or a dwelling is under construction with at least the foundation completed. Accessory buildings may be constructed on parcels that are adjacent to parcels on which a dwelling is located, provided that the parcel of land on which the accessory building is to be constructed is joined by a recorded deed or affidavit to the parcel on which the dwelling is constructed.
- C. The minimum side yard setback and rear yard setback for accessory buildings shall be ten (10) feet from lot lines. The minimum setback from any road shall be eighty-three (83) feet from the center of the road right-of-way. In the case of accessory buildings which are attached to the dwelling, all setbacks specified in Section 6.02 shall apply to the accessory building.
- D. The height and combined floor area of all accessory buildings shall not exceed the height and allowable floor area designated on the following chart:

<u>Parcel Size</u>	<u>Total Allowable Combined Floor Area For All Accessory Buildings</u>	<u>Maximum Height For Detached Accessory Buildings</u>
1.0 acres or less	1,200 sq. ft.	18'
1.01 to 2.00 acres	1,800 sq. ft.	21'
2.01 to 5.00 acres	2,400 sq. ft.	28'
5.01 to 10 acres	3,000 sq. ft.	28'

- E. The minimum distance of an unattached accessory building from any dwelling shall be six (6) feet, unless a fire wall is constructed in compliance with the Building Code.

### Section 5.11. MINING.

- A. Mining, removal, or quarrying of soil, sand, clay, gravel, or other earthen materials, except that no additional approval shall be required for excavations and incidental grading for building construction purposes, pursuant to a duly issued zoning and building permit, or for removal of less than five thousand (5,000) cubic yards per year from a single parcel of land.
  - 1. Each application shall, at a minimum, contain the following information:
    - a. Names and addresses of parties with ownership interest in the premises and the proposed operators of the site.
    - b. Legal description of the premises.
    - c. Detailed statement as to the method of operation, type of machinery or equipment to be used, estimated period of time that the operation would continue, and the acreage and proposed method for removal.
    - d. Detailed statement as to the type of deposit proposed for extraction.
    - e. Topographical survey map and aerial photograph of property.
    - f. Reclamation plan and detailed statement showing the proposed use of the land after quarrying off fill operations are complete.
    - g. Such other information as may be reasonably requested by the Planning Commission or required by the Ordinance.
  - 2. Pursuant to the requirements of Public Act 113 of 2011, a proposal which complies



with all the requirements of the Zoning Ordinance shall be approved if the applicant can demonstrate the following:

- a. There are valuable natural resources to be extracted. Under the statute, valuable natural resources are defined by whether the operator can receive revenue and can reasonably expect to operate at a profit and that there is a need for the natural resources by the applicant or on the open market.
  - b. There are not any very serious consequences which would result from the extraction of the natural resources. In determining whether very serious consequences would result, the following factors may be considered:
    - (1) The relationship of extraction and associated activities with Existing Land Uses.
    - (2) The impact on Existing Land Uses in the vicinity of the property
    - (3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
    - (4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
    - (5) The impact on other identifiable health, safety, and welfare interests in the Township.
    - (6) The overall public interest in the extraction of the specific natural resources on the property.
3. Operational Requirements.
- a. Operations shall only be conducted on parcels of land containing a minimum of forty (40) acres.
  - b. The operator shall acquire a haul permit from the Road Commission.
  - c. The use of explosives is prohibited.
  - d. In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, warning signs, and greenbelts where appropriate.
  - e. The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard topping or chemical treatment.
  - f. The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (3' horizontal to 1' vertical).
  - g. No cut, excavation, or stockpiling of material shall be allowed closer than two hundred (200) feet from the centerline of the nearest road right-of-way nor closer than one hundred and fifty (150) feet to the nearest property line. The Planning Commission may prescribe more strict requirements to give subterranean support to surrounding property where soil or geologic conditions warrant it.
  - h. The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying and reclamation, require the permittee to furnish a bond, letter of credit, or cash deposit in an amount determined by the Planning Commission.



## ARTICLE 6 Area, Setback, and Height



### Section 6.01. COMPLIANCE.

- A. All lots, structures, and ponds shall comply with the area, setback, and height requirements of Section 6.02, unless different requirements are specified pursuant to a variance.

### Section 6.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Area Lot	Minimum Lot Width (in feet) <sup>(a)(b)</sup>	Minimum Front Yard Setback (in feet) <sup>(c)</sup>	Minimum Side Yard Setback (in feet) <sup>(e) (f) (h) (i)</sup>	Minimum Rear Yard Setback (in feet) <sup>(f) (h) (i)</sup>	Minimum Floor Area per Dwelling (in sq. ft.) <sup>(g)</sup>	Maximum Building Height (in feet) <sup>(d)</sup>
AR	2½ acres	300	83	20 <sup>(f)</sup>	50 <sup>(f)</sup>	960	35 <sup>(k)</sup>
R-1	32,500 sq ft	130	83	15 <sup>(f)</sup>	30 <sup>(f)</sup>	960	35 <sup>(k)</sup>
RM	2½ acres	300	83	25	50	500	35
MHP	(j)	(j)	83	25	50	800	25
C	1 acre	200	83	25	50	-	50
I	1 acre	200	83	25	50	-	50

- (a) Measured at minimum front yard setback.
- (b) In no case shall the width of any parcel be less than one-fifth of the length of the parcel.
- (c) Measured from center of the road right-of-way, except that in the case of a cul-de-sac frontage, the setback shall be fifty (50) feet from the right-of-way line.
- (d) Not applicable to farm structures such as barns, silos, or grain elevators, or to religious institutions, steeples, or transmission towers.
- (e) Minimum side and rear yard setbacks for garages and other accessory buildings shall be ten (10) feet.
- (f) Minimum setbacks on legal nonconforming lots which are less than sixty-five (65) feet in width shall be seven and one-half (7.5) feet for side yards and fifty (50) feet for front yards. These reduced setbacks shall apply to accessory buildings as well as dwellings.
- (g) A dwelling with two (2) or more levels shall have a minimum floor area of one thousand, two hundred (1,200) square feet.
- (h) An additional one hundred fifty (150) square feet shall be required for each bedroom beyond the first.
- (i) For properties abutting the Holloway Reservoir, the lake setback is one hundred fifty (150) feet from the high-water mark as established by the Genesee County Water Resource Agency. This shall apply to any lot line which borders the Holloway Reservoir.
- (j) The minimum size of the mobile home park property shall be twenty (20) acres and the minimum width of the property shall be six hundred (600) feet. Internal development within manufactured housing parks is regulated by the Michigan Manufactured Housing Commission. Any land uses in the district other than manufactured housing parks shall meet the requirements for the R-1 Zoning District.
- (k) Detached accessory buildings shall comply with the height limitations of Section 5.10.



## ARTICLE 7 Parking and Loading Requirements



### Section 7.01. PURPOSE STATEMENT.

In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required in this Article. The intent of this Article is to ensure adequate off-street parking is provided on site for allowed uses and promote safe vehicle and pedestrian maneuverability. The requirements in this Article ensure off-site impact to neighboring uses such as but not limited to dust, glare, over parking, and safety are limited. In addition, this Article ensures adequate and safe maneuverability of loading and unloading of material related to uses on site.

### Section 7.02. APPLICABILITY.

Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance. Nonconforming parking lots shall come into full compliance with this Article when there is an expansion of the existing parking lot by twenty-five (25%) percent or more or the expansion exceeds five hundred (500) square feet, whichever is greater.

### Section 7.03. GENERAL PARKING REQUIREMENTS.

Parking spaces shall be maintained and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

- A. **LOCATION OF PARKING SPACE.** Parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking. The location shall be located within five hundred (500) feet of the subject property line and shall not cross roadways unless proper pedestrian crossings are provided within this required distance.
- B. **SEATING.** As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of bench or other seating facilities.
- C. **FRACTIONAL.** When units or measurements in determining the number of required parking spaces results in a fraction number of spaces, the total number required shall always be rounded up.
- D. **SIMILAR USES AND REQUIREMENTS.** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- E. **COLLECTIVE PARKING.** The required off-street parking spaces for two (2) or more buildings or uses may be provided collectively by a group of off-street parking spaces, subject to the following:
  - 1. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning Commission may reduce the total number of spaces if they determine that the operating hours of the buildings or uses do not overlap.
  - 2. The collective off-street parking shall meet the requirements of Section 7.03.A.
- F. **OTHER ORDINANCE.** The following requirements shall apply.
  - 1. Parking requirements for single-family residential homes shall also meet the requirements in Ordinance 406, or its successor, of the Township Ordinances.
  - 2. Parking requirements regarding vehicles in disrepair shall meet the requirements in Ordinance 300.2 (Blight), or its successor, of the Township Ordinances.

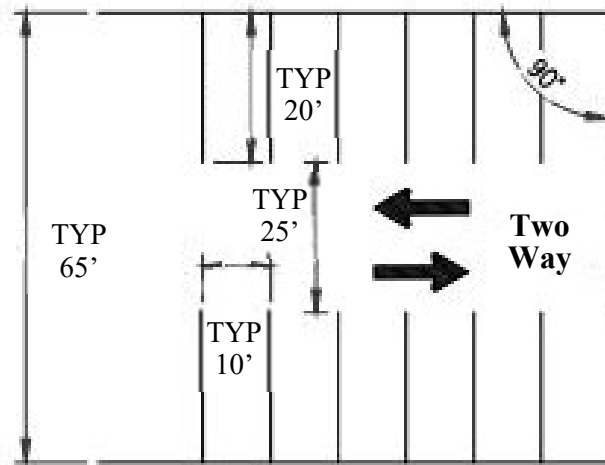


- G. **DRAINAGE.** All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds, or entirely on to the property on which the parking lot is located.
- H. **ILLUMINATION.** All illumination for such parking areas shall be deflected away from adjacent residential areas and meet all the requirements in Ordinance 9500 (Outdoor Lighting), or its successor, of the Township Ordinances.
- I. **HARD SURFACING.** All required parking areas for multiple-family, commercial, industrial, or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone or with compacted, crushed asphalt.
- J. **BUMPER BLOCKS/CURBS.** All parking lots when a pedestrian sidewalk is proposed shall utilize bumper blocks or paved curb six (6) inches in height.
- K. **MANEUVERABILITY.** In no case shall a parking space require backing up into the road right-of-way (ROW) in order to maneuver into and/or out of a parking space.

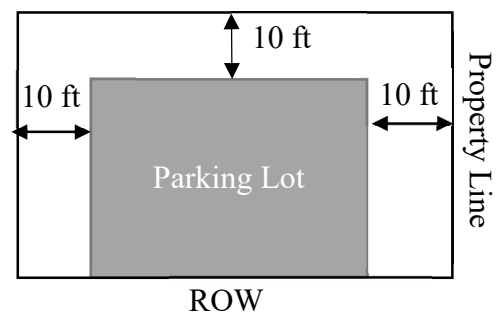
#### Section 7.04. PARKING DIMENSIONAL REQUIREMENTS.

- A. **MINIMUM PARKING SPACE SIZE.** Each parking space shall be at least 10 feet wide and 20 feet long, exclusive of drives (see Figure 7-1).
- B. **MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS.** The minimum width of access lanes for parking spaces shall be 25 feet (see Figure 7-1).
- C. **SETBACK.** All parking lot areas shall be setback ten (10) feet from the side and rear property lines and not located in the road right-of-way. (See Figure 12-2)
- D. **DRIVEWAY.** Driveway location and dimensional requirements shall meet the requirements of the Lapeer County Road Commission.

*Figure 7-1 Parking Space Dimension*



*Figure 7-2: Parking Lot Setback*



#### Section 7.05. BARRIER-FREE REQUIREMENT.

Each parking lot that serves a building or use, with the exception of single- and two-family dwelling units, shall provide spaces for physically handicapped persons in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier-Free Design Division. The required number of accessible parking spaces shall include the following number of spaces provided in Table 7-1.



<i>Table 7-1: Barrier-Free Parking Space Requirement</i>	
Total # of Spaces	Minimum # of Accessible Spaces Req.
1 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 1,000	2% of total
Over 1,000	20 plus 1 for each 100 spaces over 1,000

- A. **STACKING SPACES.** In the case where a stacking space is required, each stacking space shall be twenty (20) feet long and ten (10) feet wide. Stacking spaces shall not interfere with required parking or maneuvering lanes.

Section 7.06. TABLE OF PARKING REQUIREMENTS.

See Section 4.08 for the number of required parking spaces.

Section 7.07. OFF-STREET LOADING REQUIREMENTS.

- A. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading.
- B. The loading space shall not interfere with required parking or maneuvering lanes.
- C. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.
- D. Such loading and unloading space, unless adequately provided for within a building, shall be an area at least twelve (12) feet by forty (40) feet, with a minimum fourteen (14) -foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None
2,000 - 20,000	One space
Over 20,000	One space for each 20,000 square feet.





## ARTICLE 8 General Provisions



### Section 8.01. PURPOSE.

The purpose of this Article is to establish regulations and conditions that are generally applicable to all zoning districts, unless otherwise indicated.

### Section 8.02. ROAD FRONTAGE.

Every dwelling or other building shall be located on a parcel of land which shall have frontage on a public road. In lieu of public road frontage, a parcel may have frontage on an existing private road or private driveway easement approved prior to 2006. See Ordinance 406, or its successor, Private Road Ordinance.

### Section 8.03. PRIVATE ROAD AND PRIVATE DRIVE.

See Ordinance 406 or its successor for regulation regarding private roads and private drives.

### Section 8.04. DEPTH TO WIDTH RATIO.

No property shall be divided in such a manner that the length or depth of any resulting parcel exceeds five (5) times the width of that parcel.

### Section 8.05. RESIDENTIAL OCCUPANCY IN BUILDINGS OTHER THAN COMPLETED DWELLINGS.

Garages, barns, pole barns, accessory buildings, basements, tents, campers, recreational vehicles (RV)s, or other structures shall not be occupied as dwellings. However, the Zoning Administrator may grant temporary occupancy pursuant to Section 5.04.

### Section 8.06. GENERAL EXCEPTIONS.

- A. The following are exceptions to the use regulations of the Zoning Ordinance:
  - 1. **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.
- B. The following are dimensional exceptions for regulation in the Zoning Ordinance:
  - 1. **HEIGHT LIMITS.** The height limitations in the Zoning Ordinance shall not apply to farm buildings, chimneys, religious institution spires, flag poles, residential roof antennas, or public monuments.
  - 2. **PORCHES, WALKS, AND TERRACES.** An open, unenclosed, and uncovered porch, paved terrace, or wood deck may project into a required front or rear yard for a distance not exceeding ten (10) feet. This shall not be interpreted to include a fixed roof. For this exception to apply, any walk, terrace, or other surface serving a like function, shall not exceed twelve (12) inches above the grade.
  - 3. **ARCHITECTURAL PROJECTIONS INTO THE YARD.** Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet. Window wells may extend or project into the required side yard no more than four (4) feet.



#### Section 8.07. ONE DWELLING PER PARCEL.

No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land, unless otherwise permitted as multiple-family dwellings or two-family dwellings.

#### Section 8.08. PROHIBITED VEHICLES AND OTHER UNITS AS STRUCTURES.

No bus, camper, mobile home, manufactured home, semi-trailer, railroad car, truck body, cargo shipping container or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose, unless allowed by the Township Blight Ordinance, unless located inside an approved building. This Section shall not apply to manufactured homes which comply with Section 8.05 or Section 8.09 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Michigan Department of Transportation sticker.

#### Section 8.09. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

- A. No building, manufactured home, or other structure in excess of two hundred (200) square feet in floor area shall be moved into or within the Township unless a zoning compliance permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. New manufactured homes shall be in compliance with single-family dwelling design standards in Section 4.08. The Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the inspector must either be corrected prior to the building, structure, or manufactured home being placed on the property or else the applicant must post a performance guarantee indicated in Section 13.08. Any repairs covered by a financial guarantee shall be completed within ninety (90) days of the date that the unit is brought into the Township.
- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.

#### Section 8.10. BUILDING GRADES.

- A. Building grades shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.
- B. A sloping grade, beginning at the roadway surface, shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing onto the adjacent properties.
- C. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade determined by the Building Inspector.
- D. When a new building is constructed on a vacant lot between two (2) existing buildings or





adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building; and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property.

- E. Final grades shall be approved by the Building Inspector.

#### Section 8.11. OUTDOOR STORAGE AND OCCUPANCY OF RECREATIONAL VEHICLES.

- A. For purposes of this Section, recreational vehicles shall be deemed to include motor homes, camping trailers, pickup campers, vans, buses, cargo trailers, or other units designed or used for human occupancy, and which do not meet the single-family dwelling standards of Section 8.05. Mobile homes and manufactured homes are not included in the definition of recreational vehicles.
- B. Recreational vehicles may be stored outside on properties containing an occupied single-family dwelling, provided that there are not more than two (2) such units on the property. Only one (1) such recreational vehicle may be occupied and only for a maximum of ninety (90) days in any calendar year.
- C. On properties zoned R-1 which do not contain an occupied single-family dwelling, only one (1) recreational vehicle may be stored or occupied. Such storage or occupancy shall not exceed ninety (90) days during any calendar year.
- D. On properties zoned AR and which do not contain an occupied single-family dwelling, a maximum of two (2) recreational vehicles may be stored or occupied. Such storage or occupancy shall not exceed one hundred eighty (180) days during any calendar year.
- E. No recreational vehicle shall be occupied or stored outside except in compliance with subsections B, C, or D of this Section.
- F. Any recreational vehicle located on any property shall comply with the setback requirements applicable to structures within the zoning district.
- G. All recreational vehicles on the property shall be licensed through the State of Michigan Secretary of State.

#### Section 8.12. EXOTIC PETS.

The keeping of dangerous pets shall be prohibited as defined in Section 17.04 and stated in the Animal Control Ordinance 6000, or its successor, as amended.

#### Section 8.13. GREENBELTS.

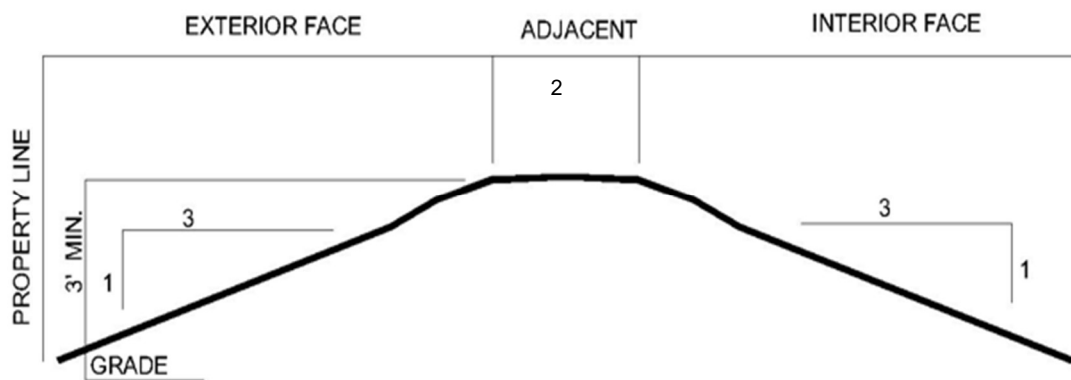
- A. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained. The Planning Commission may approve a fence or berm in lieu of a greenbelt.
- B. The greenbelt landscaping requirement is shown in Table 8-1:

*Table 8-1 Greenbelt Buffer Zone Requirements*

Proposed Use	Adjacent Use				
	Agricultural	Residential	Commercial	Institutional	Industrial
Commercial	2	3	1	1	2
Institutional	2	3	1	1	2
Industrial	3	3	2	2	1

1. BUFFER ZONE 1 shall be a minimum one (1) deciduous canopy tree, three (3) evergreen trees, and two (2) shrubs per one hundred (100) linear feet.
  2. BUFFER ZONE 2 shall be a minimum one (1) deciduous canopy tree, one (1) deciduous ornamental tree, five (5) evergreen trees, and two (2) shrubs per one hundred (100) linear feet.
  3. BUFFER ZONE 3 shall be a minimum one (1) deciduous canopy tree, one (1) deciduous ornamental tree, eight (8) evergreen trees, and four (4) shrubs per one hundred (100) linear feet.
- C. A required berm shall meet the following requirements to substitute for a greenbelt:
1. The slope of the berm shall not be greater than 1:3 (one (1) foot vertical for each three (3) foot horizontal distance) and at least two (2) feet of flat area on top (measured from the ground adjacent to the berm) shown in Figure 8-1.
  2. 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.

*Figure 8-1 Berm Diagram*



- D. Detailed landscaping plans for all greenbelts for industrial, commercial, or institutional purposes shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.
- E. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation. The Planning Commission shall have the ability to modify or waive the greenbelt requirements based on context of the current or Future Land Uses to address compatibility and potential for off-site impacts to adjoining properties.

#### Section 8.14. FENCES.

All fences, other than on property used for agricultural purposes in an area zoned AR, shall comply with the following:

- A. No residential fence shall exceed six (6) feet in height, measured from the surface of the ground. There shall be a twenty-five (25) -foot setback from the highwater mark.

Additional requirements may be required by Genesee County when the property is adjacent to the Holloway Reservoir.

- B. No residential fence shall contain barbed wire, razor wire, or be charged with electricity.
- C. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines.
- D. Within the limits of clear vision zones established by the Road Commission or the MDOT, there shall be no fences or hedges allowed except for fences which can easily be seen through.
- E. The finished side of the fence shall face neighboring properties. Fences must be fabricated from standard fencing materials, those materials include wood, masonry, stone, wire, metal, or any other material or a combination of those materials, so long as the proposed combination of materials still compiles with all aspects of this Section. Fences shall be in aesthetic harmony with the surrounding structures.
- F. The fence shall be maintained in good functioning and aesthetic repair.

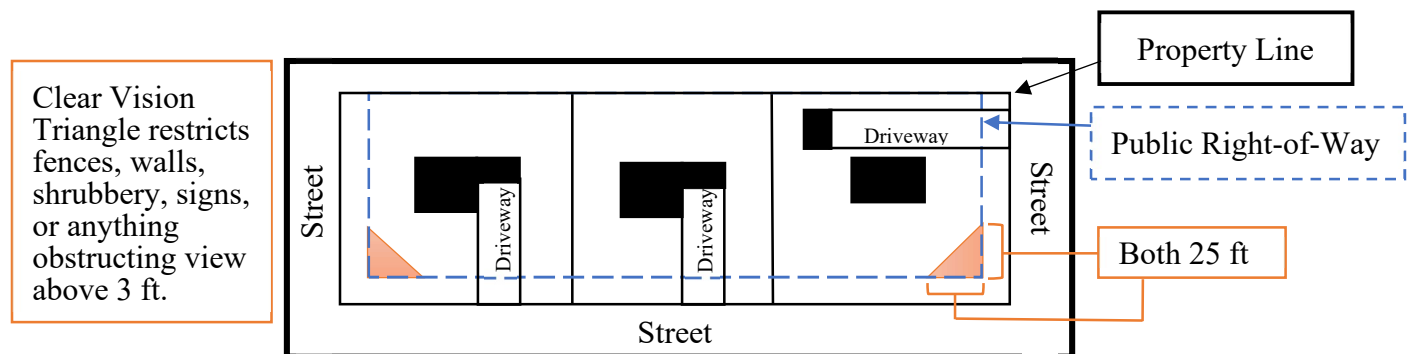
#### Section 8.15. MEDICAL MARIHUANA CAREGIVER GROW/DISTRIBUTION LOCATIONS.

Any medical marihuana caregiver shall be in continual compliance with all state laws pertaining to the growing, possession, use or distribution of medical marihuana. Nothing in this Zoning Ordinance shall be construed as authorizing any “marihuana facility” under the Medical Marihuana Facilities Licensing Act as set forth in MCL 333.27205. It is the Township’s express intent not to prohibit any “marihuana facility” (as that term is defined in MCL 333.27102) from operating within the Township.

#### Section 8.16. CORNER CLEARANCE.

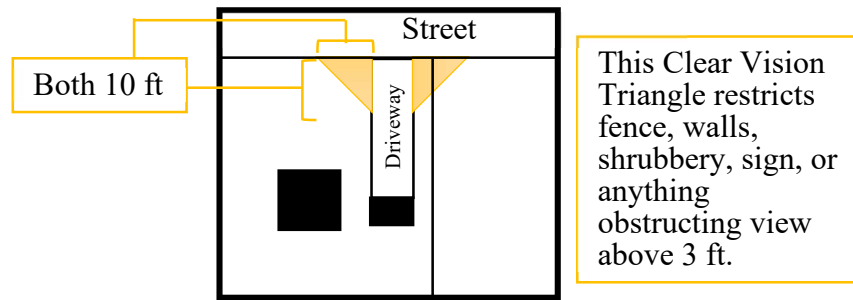
- A. In the clear vision triangle, no structure, wall, fence, shrubbery, or trees exceeding three (3) feet in height, or a parking space, shall be erected or maintained in a manner which will obstruct the view of the driver of a vehicle approaching an intersection or driveway.
  - 1. Excepting that shade trees will be permitted where all branches are more than eight (8) feet above the street level.
- B. The clear vision triangle at a street intersection shall be formed by connecting two points, each twenty-five (25) feet from the intersection of the respective right-of-way lines, or in the case of a rounded corner, from the intersection of the street property lines extended (shown in Figure 8-2).

*Figure 8-2: Intersection Vision Clearance*



- C. The clear vision triangle formed by a driveway shall connect two points each ten (10) feet from the intersection of the right-of-way and driveway (shown in Figure 8-3).

*Figure 8-3: Driveway Clearance*



#### Section 8.17. EXCAVATIONS OR HOLES.

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector; and provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township, or other governmental agency.

#### Section 8.18. EXTERIOR LIGHTING.

All exterior lighting requirements shall be in compliance with Ordinance 9500, or its successor, of the Township Ordinances.

#### Section 8.19. DUMPSTER ENCLOSURE.

- A. When there is a waste receptacle proposed in the Multiple Family, Commercial, or Industrial Zoning District, it shall meet the following requirements:
1. An enclosing lid or cover is required and the waste receptacle shall be enclosed on three (3) sides with a gate on the fourth side. The enclosure shall be constructed of brick or decorative masonry block material consistent with the principal building with a maximum height of six (6) feet or at least one (1) foot higher than the waste receptacle and spaced at least three (3) feet from the waste receptacle. Chain-link fencing with vinyl or wood strips is not acceptable screening material. Acceptable gate material could be wood, metal, or other obscuring material approved by the Planning Commission.
  2. Waste receptacle enclosures shall be located in the rear yard or non-required side yard, at least ten (10) feet from any nonresidential property line, combustible walls or combustible roof eaves and in no case be less than twenty (20) feet from any residential district.
  3. When positioned to be visible from adjacent roadways or neighboring residential properties, such areas shall be screened by landscape plantings. See Section 8.13.
  4. The waste receptacle enclosure base shall be at least nine (9) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.



5. Waste receptacle enclosures shall be easily accessed by refuse vehicles without potential damage to automobiles parked in designated parking spaces.
- B. When there is a waste receptacle located in an any other zoning district, it shall be located to be screened from the road or neighboring residential properties.

#### Section 8.20. BUILDING FACADE.

- A. **ARCHITECTURAL STANDARDS.** These standards are intended to encourage the realization and conservation of a desirable and aesthetic environment in Oregon Township. The standards are also intended to minimize incompatible and unsightly surroundings and visual blight which prevent orderly community development and reduce community property values.
- B. The following standards shall be applied by the Planning Commission as part of site plan review for all development located in the C, MF, and I Zoning Districts.
  1. Exterior building material shall be composed of high-quality, durable, low-maintenance material, such as masonry, stone, brick, hardy board, textured or colored split face block, or glass. Concrete finishes or precast concrete panels (tilt wall) that are not exposed aggregate, hammered, sandblasted, or covered with a cement-based acrylic coating shall be prohibited.
  2. The front facade of the building should address the main street with entrances, windows, and architectural features facing the street. No overhead door or docking bays shall face the street, unless approved by the Planning Commission based upon a finding that the door is recessed back from the front facade and properly screened from public view. In the case where the side and/or rear facades are visible from a street, or if parking is located at the side or rear of a building, the facade shall be designed to enhance and not detract from the building's overall appearance, using materials and architectural features similar to those present on the front of the building.
  3. Facade colors shall be consistent with the character of the surrounding properties as determined by the Planning Commission.
  4. Building facades greater than one hundred (100) feet in length shall incorporate recesses and projections along at least twenty (20) percent of the facade where practical. Architectural interest shall be provided through the use of repeating patterns of changes in color, texture, and material modules. Variations in roof lines to reduce the scale of the structure and add visual interest shall be incorporated where appropriate.

#### Section 8.21. MECHANICAL EQUIPMENT SCREENING.

- A. For Commercial and Industrial Zoning District mechanical equipment and utilities, including but not limited to blowers, ventilating fans, heating, ventilation, and air-conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards:
  1. Shall be located in the side or rear yards.
  2. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural feature that is compatible in appearance with the principal building from the public frontage or otherwise defined frontage of the property. A majority of the equipment shall be screened by the above options.
  3. All roof-mounted mechanical units must be screened so they are not visible from ground level from the public frontage or otherwise defined frontage of the property.



Section 8.22. EXCESSIVE ELECTRICAL SERVICE.

A. FINDINGS OF FACT. The Township Board hereby finds that:

1. Two hundred (200) amperes electrical service is adequate power for nearly all residential applications;
2. Except in extraordinary circumstances, electrical service in excess of two hundred (200) amperes is appropriate only for commercial or industrial applications or certain agricultural applications; and,
3. Township approval for electrical service in excess of two hundred (200) amperes for residential structures or structures accessory to residential uses is necessary to protect the health, safety, and welfare of Township residents.

B. ELECTRICAL COMPLIANCE PERMIT. Persons must apply for and receive from the Township an electrical compliance permit when seeking to install electrical service of more than two hundred (200) amperes in any of the following circumstances:

1. On any property that contains a structure that is intended to be used as a dwelling or;
2. On any property upon which a dwelling could be built under state law and local ordinance.

NOTE: It shall be a violation of this Ordinance to install electrical service of more than two hundred (200) amperes on property that this Section B indicates requires an electrical compliance permit without first obtaining an electrical compliance permit as set forth in this Ordinance.

C. APPLICATION FOR ELECTRICAL COMPLIANCE PERMIT. Anyone seeking an electrical compliance permit from the Township must fill out an application created by the Township which shall contain at least the following information:

1. Identify the property or properties to be served by the electrical service in excess of two hundred (200) amperes by street address, tax identification number, and legal description.
2. A certification that the proposed use of the property complies with state law and local ordinances.
3. Identify with specificity the purpose for which the electrical service on the property will be used, including by not limited to:
  - a. The types of agricultural products, if any, that will be grown or produced on the property;
  - b. The building(s) that will receive electrical service and for each such building;
    - (1) The purpose for which the building will be used;
    - (2) The size of the building, including how many square feet of the building will be used for any given purpose;
    - (3) Identifying what the electrical service will be used to power, including but not limited to a list of all equipment that will be powered by such electrical service.
    - (4) An acknowledgement that misrepresenting the use of the electricity in excess of two hundred (200) amperes on the application is grounds for denial of an electrical compliance permit and/or revocation of a previously granted electrical compliance permit.
4. Identify the licensed electrician that will be installing the electrical service on the property.





5. All additional information that is necessary to demonstrate that the proposed electrical usage is necessary to serve the following: (1) residential uses consistent with state law and local ordinance; or (2) uses qualifying for an agricultural products exemption as defined by MCL 205.94(1)(f).
  6. An application fee at an amount set by the Township Board to cover administrative costs.
- D. **STANDARDS FOR PERMIT APPROVAL OR DISAPPROVAL.** Following inspection of the structure to be served by the proposed electrical service in excess of two hundred (200) amperes, the Township Zoning Administrator shall approve an application for an electrical compliance permit when the applicant demonstrates that the requested service is necessary for one or more of the following:
1. All residential applications within the structure;
  2. Applications on property that have qualified for an agricultural-products exemption under MCL 205.94(1)(f); or;
  3. A use to be performed on the property that is in conformance with all applicable state law and local ordinances.
  4. If the Township Zoning Administrator determines that the application did not contain all information required by this Ordinance or if the Township Zoning Administrator determines that the application has not demonstrated that the requested service is necessary for one of the reasons set forth in this Section D, then the Township Zoning Administrator shall deny the application for an electrical compliance permit.
- E. **DISAPPROVAL; APPEAL.** Persons aggrieved by a decision of the Township Zoning Administrator may appeal that decision to the Township Zoning Board of Appeals in accordance with the procedures outlined elsewhere in this Zoning Ordinance.

### Section 8.23. PERFORMANCE STANDARDS.

Any use permitted by this Ordinance is subject to compliance with the following performance standards. Every use established shall not exceed the limits herein described, except as provided in this Section.

- A. **NOISE.** No operation or activity shall be carried out in any zoning district which causes or creates measurable noise levels exceeding the maximum sound indicated in the Noise Ordinance 1600, or its successor. In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Township Representative deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent zoning districts.
- B. **DUST, SOOT, DIRT, FLY ASH, PARTICULATES IN AIR.** No person, firm or corporation shall operate or cause to be operated or maintained any process for any purpose, a furnace, or combustion device for the burning of coal and/or other natural or synthetic fuels without maintaining recognized and approved equipment, means, methods, devices or contrivances to reduce the quantity of gas-borne or airborne solids carried in fumes emitted, directly or indirectly, into the open air to a concentration level (per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit) not exceeding 0.20 grains.
1. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50%) percent of full load. The foregoing requirements shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned.



2. The Township Representative may require such additional data as deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
- C. **SMOKE.** It shall be unlawful to discharge into the atmosphere from any single source of emission, any smoke density or equivalent capacity which exceeds the following standards:
1. For any period or periods of time, smoke, the shade or appearance of which is as dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, except when the emission consists of only water vapors. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this title, shall be the standard. However, the Umbrascope reading of smoke densities may be used when correlated with the Ringelmann Chart.
- D. **VIBRATION.** Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following tables and/or as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer, preferably the former.
1. For purposes of the Section, steady state vibrations are vibrations which are continuous or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.
  2. Maximum Permitted Steady State Vibration in Inches.
- | <b>Frequency<br/>(Cycles Per Second)</b> | <b>Permitted<br/>Vibration</b> |
|--|--------------------------------|
| 10 and below                             | 0.001                          |
| 10 to 19                                 | 0.0008                         |
| 20 to 29                                 | 0.0005                         |
| 30 to 39                                 | 0.0003                         |
| 40 and above                             | 0.0001                         |
3. Maximum Permitted Impact Vibration in Inches.
- | <b>Frequency<br/>(Cycles Per Second)</b> | <b>Permitted<br/>Vibration</b> |
|--|--------------------------------|
| 10 and below                             | 0.002                          |
| 10 to 19                                 | 0.0015                         |
| 20 to 29                                 | 0.001                          |
| 30 to 39                                 | 0.0005                         |
| 40 and above                             | 0.0002                         |
4. Between the hours of 8 p.m. and 6 a.m., all the above maximum vibration levels, as measured at the boundary line of a residential use, shall be reduced to one-half (1/2) the indicated permissible values by those activities causing the vibration.
- E. **ODOR.** Odors from any use shall not be discernible at the property line to a greater degree than odor from facilities in which operations do not result in a greater degree of odors. Detailed plans for the prevention of odors crossing property lines may be required before approval of a final site plan by the Planning Commission.
- F. **GLARE AND HEAT.** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct





view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.

- G. **RADIOACTIVE MATERIAL.** The storage and handling of flammable liquids, liquefied petroleum gases, explosives, and highly toxic and highly radioactive materials shall comply with all state rules and regulations, and regulations as established by the Fire Prevention Act, Act 207, P.A. 1941, as amended, the Flammable and Combustible Liquids Code (pursuant to Act 154, P.A. 1974, as amended, Section 1910.106, Federal Register), and the requirements of the State Fire Marshall. Further, all storage tanks for flammable liquid materials, liquefied petroleum cases, explosives, and highly toxic and highly radioactive materials above ground shall be located at least one hundred fifty (150) feet from all property lines and shall be completely surrounded by earth embankments, dikes, and other types of retaining walls which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than twice the depth at the bottom of the buried tank.
- H. **GASES.** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m.; Hydrogen Sulfide, likewise, shall not exceed one (1) p.p.m.; Fluorine shall not exceed 0.1 p.p.m.; Nitrous fumes shall not exceed five (5) p.p.m.; and Carbon Monoxide shall not exceed fifteen (15) p.p.m.; all as measured as the average intensity during any twenty-four (24) hour sampling period.
- I. **RADIO TRANSMISSION, EXPLOSIVES.** For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment. All explosives and radioactive materials stored and/or used shall be in a manner which does not endanger abutting properties. Applicable regulations of the Federal Communications Commission regarding electromagnetic radiation are hereby made a part of this Section.

#### Section 8.24. NATURAL FEATURES.

- A. All structures shall be set back at least twenty-five (25) feet from natural features such as drains, regulated wetlands, natural ponds, lakes, and streams. This setback excludes accessory structures like docks as permitted by the Township. For properties abutting the Holloway Reservoir, the lake setback is one hundred fifty (150) feet from the high-water mark as established by the Genesee County Water Resource Agency.

#### Section 8.25. WELLHEAD PROTECTION.

- A. Any project requiring site plan review shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, and steep slopes.
- B. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- C. Sites at which hazardous substances and polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
- D. State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.



- E. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- F. Outdoor storage of hazardous substances and polluting materials shall be prohibited, except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
- G. Secondary containment structures, such as out buildings, storage rooms, sheds, and pole barns, shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
- H. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater, or soils.
- I. Existing and new, underground storage tanks shall be registered with the authorized state agency in accordance with requirements of the U.S. Environmental Protection Agency and State Police Fire Marshal Division.
- J. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention, and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
- K. Out-of-service and abandoned, underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division and Michigan Environment, Great Lakes, and Energy (EGLE).
- L. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site and the need to protect public health and the environment.
- M. Development shall not be allowed on or near contaminated areas of a site, unless information from the Michigan Environment, Great Lakes, and Energy (EGLE) is available indicating that cleanup will proceed in a timely fashion.
- N. No above-ground or below-ground storage of hazardous substances and related secondary containment facilities shall be located within fifty (50) feet of any existing property line or officially designated future right-of-way or within one hundred (100) feet of any residential use.





Section 9.01. PURPOSE STATEMENT.

The purpose of this Article is to regulate signs to minimize outdoor advertising and to protect public safety, health, and welfare. Through the regulation of signage, the number and size of signs shall be minimized to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the Township.

Section 9.02. ADMINISTRATION.

- A. **REVIEW AND APPROVAL.** No sign shall be erected, structurally altered, or relocated, except as otherwise provided in this Ordinance, without review and approval from the Oregon Township Zoning Administrator. Signs may be approved by the Planning Commission as part of site plan review. Otherwise, signs are reviewed and approved administratively. Upon approval, a sign permit will be issued by the Oregon Township Zoning Administrator.
1. Sign permits shall be reviewed for location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances.
- B. **SIGNS THAT DO NOT REQUIRE A PERMIT.** The following signs as described do not require a sign permit as determined by the Zoning Administrator.
1. Signs within the window area that do not exceed two (2) square feet.
  2. Any sign that is located completely within a building and is not visible from the outside.
  3. Signs for the sole purpose of designating an assigned house number, owner name, occupant, or building name. Identification signs shall not be counted in the total sign area allowed on the premises; however, such signs in excess of one (1) square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this Ordinance.
  4. Signs controlled by other government agencies such as Lapeer County Road Commission.
  5. The changing of the advertising copy or message on an approved painted or printed sign, a theater marquee, or similar approved signs which are specifically designed for the use of replaceable copy; and
  6. Painting, repainting, cleaning, or other normal maintenance or repair of a sign or a sign structure, unless a structural change is made.
- C. **APPLICATION.** The application, on a form provided by the Township, shall contain the following:
1. Proposed location of the sign.
  2. The name and address of the sign owner and of the sign erector.
  3. The name and address of the owner of the business and of the property if different from that of the sign owner.
  4. Drawings and/or sketches showing the design of the sign including height, dimensions, area, and lighting method.
  5. The estimated cost of construction.
  6. Any other information as the Zoning Administrator may require ensuring compliance with this Ordinance and with other ordinances of the Township.



- D. FEES. All permit fees for signs shall be as established by resolution of the Township Board.
- E. NULLIFICATION. A sign permit shall become null and void if the work for which the permit was issued has not been completed within six (6) months after the date of the permit.
- F. CERTIFICATE OF COMPLIANCE. All signs shall require a final inspection and the issuance of a Certificate of Compliance. The property owner shall notify the Township immediately upon erecting the sign to request the final inspection.

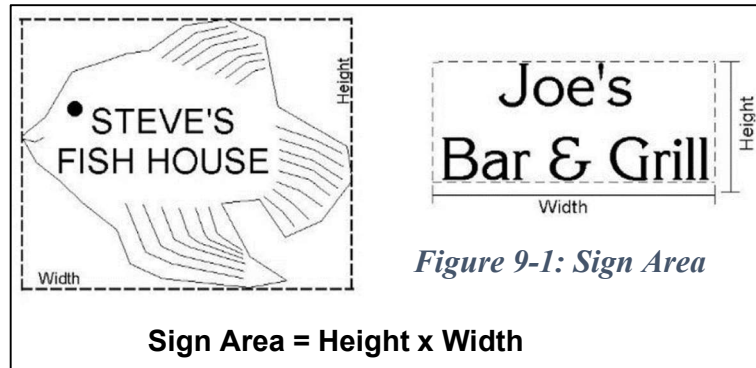
#### Section 9.03. GENERAL STANDARDS.

All signs must comply with the following requirements:

- A. No sign shall include any flashing, oscillating, or intermittent illumination. However, this Section shall not prohibit signs with changing message displays.
- B. The lighting source of any illumination of signage shall meet the following requirements:
  - 1. The sign shall only be illuminated by stationary, shielded light sources directed solely at the sign, or internal light.
  - 2. All illuminated signs shall be placed and properly shielded to prevent the rays and illumination from being directly cast upon any residences or roadways.
  - 3. Signs must be illuminated by electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.
  - 4. Any signs shall be of a wattage not in excess of sixty (60) watts per bulb and in no instance shall such light be located as to be hazardous to traffic.
- C. All signs shall be located outside of the required side yard setback and not encroach on any road rights-of-way.
- D. No sign shall be erected at the intersection of any streets in such a manner as to obstruct the clear vision triangle (Section 8.16).
- E. By reason of the position, shape, or color, it may not interfere with any sign which makes use of the words "Stop", "Look", "Danger" or any similar word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.
- F. Signs may not obstruct any approved traffic control device, road sign, or signal from view; interfere with sight distance necessary for traffic safety; or distract from visibility of existing traffic signs or devices.
- G. Signs may not obstruct free access or egress from a required door, window, or other required exit.
- H. An obsolete sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises within 10 days after written notice from the Zoning Administrator.
- I. All signs shall be maintained so that they comply continuously with all requirements of this Ordinance and are kept in a good state of repair. Unsafe signs shall not be permitted to remain within the Township. Unsafe signs shall include, but not limited to structurally unsafe, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, and unlawfully installed, erected, or maintained.

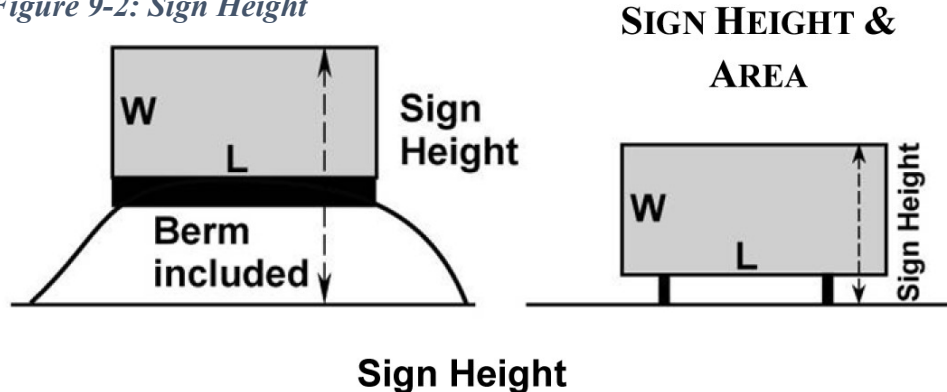


- J. Sign area shall be measured as the square footage of the sign face and any frame or other material, or color forming an integral part of the display or used to differentiate it from the background against which it is placed. Shown in Figure 9-1: Sign Area.



- K. The sign height is measured from the level of the ground finished surface around the sign to the top of the sign edge. Sign height shall not be measured from an area of the ground that has been built up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g., the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm). Shown in Figure 9-2: Sign Height.

*Figure 9-2: Sign Height*



#### Section 9.04. PROHIBITED SIGNS.

Below are types of signs that are not permitted within the Township:

- A. **MOVING OR ANIMATED SIGNS.** No sign shall contain any moving or animated parts nor have the appearance of having any movement or animation.
- B. **INFLATABLE SIGNS.** Signs that are comprised in part or wholly of a balloon or any other inflated object or character.
- C. **ROAD FURNITURE SIGNS.** Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings not larger than one half (1/2) square foot.
- D. **MOTOR VEHICLE SIGNS.** It shall be unlawful to park, place, or store a vehicle or trailer on which there is a motor vehicle sign on private or public property for the purpose of advertising a business or products or for the purpose of directing people to a business or business activity on site or off site.

#### Section 9.05. ON-SITE SIGNS.

- A. One (1) sign shall be allowed along each front lot line. In the case of a corner or through lot, two (2) signs are allowed because there are two (2) front yards.
- B. Principal on-site signs shall not exceed one hundred (100) square feet in sign area.

- C. Secondary on-site signs shall not exceed sixteen (16) square feet in sign area.
- D. Principal and secondary on-site signs cannot exceed twenty (20) feet in height.
- E. Larger free-standing signs may be permitted if landscaping is provided at the rate of one (1) additional square foot of signage per one (1) additional square foot of landscaped area but at no point shall any sign exceed one hundred fifty percent (150%) of the maximum sign area.

#### Section 9.06. BILLBOARD SIGNS.

- A. Billboards are to be permitted only on properties that are zoned non-residential. Billboards must be located a minimum of one hundred (100) feet from adjacent residentially zoned property four hundred (400) feet from other billboards on the same side of the right-of-way.
- B. Such signs shall have the same setbacks as other principal structures in the zone in which they are situated, providing the setback can be no less than the height of the sign at its tallest point.
- C. Such signs shall not exceed one hundred (100) square feet in area and shall not exceed thirty-five (35) feet in height.
- D. The sign shall have a maximum area of two hundred (200) square feet. In the case of a two-sided sign, with parallel faces, each side may have an area of one hundred (100) square feet.

#### Section 9.07. NONCONFORMING SIGNS.

- A. Any legal sign existing at the time of adoption of this Ordinance, which does not comply with all provisions contained herein, shall be considered a legal nonconforming sign and may be permitted to continue if the sign is properly maintained and not detrimental to the health, safety, and welfare of the community.
- B. Legal nonconforming signs which are removed, blown down, destroyed, relocated, or which are damaged or structurally altered to an extent equal to fifty (50%) percent or more of their replacement value may only be replaced with signs that conform to this Ordinance.

#### Section 9.08. VIOLATIONS.

This Article shall be enforced by the Zoning Administrator and violations shall be addressed per Section 3.12.

#### Section 9.09. VARIANCES.

Variances from the requirements of this Article shall be treated the same as any other zoning variance, per ARTICLE 15.



ARTICLE 10  
Reserved



Reserved  
10-1





## ARTICLE 11 Nonconformities



### Section 11.01. PURPOSE.

The purpose of this Article is to permit legal nonconforming lots, buildings, and structures, or uses to continue until they are removed, but not to encourage their survival. The regulation within this Article shall conform to Section 208 of the Michigan Zoning Enabling Act.

### Section 11.02. LEGAL AND ILLEGAL NONCONFORMITIES.

Nonconformities will be classified as “legal” or “illegal” based on the following guidelines:

- A. Legal nonconformities are those that exist legally before the effective date of this Ordinance, or before some amendment to this Ordinance which resulted in the nonconformity.
- B. Illegal nonconformities are those that have been developed in conflict with the zoning regulations.

### Section 11.03. NONCONFORMING LOTS OF RECORD.

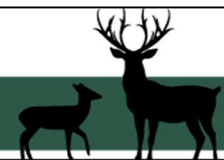
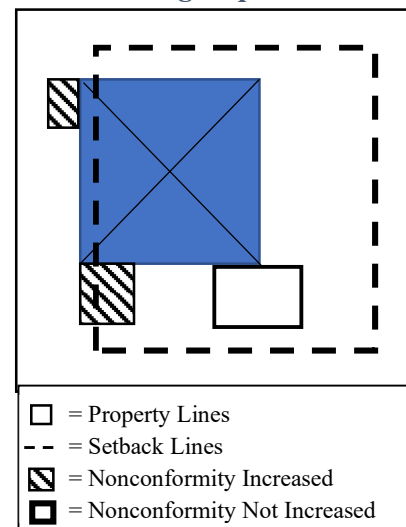
- A. A legal nonconforming lot is any lot of record or approved lot by the Township shown on the tax roll at the effective date of adoption of this Ordinance, provided that the side yard and rear yard setback distances required by Section 6.02 can be maintained and that septic and well approvals are granted by the Lapeer County Health Department.
- B. Permission to build on smaller recorded lots which lack adequate setbacks may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.
- C. A legal nonconforming lot cannot be created in error, but only by amending the lot area and/or width of the zoning districts or by rezoning of a lot.

### Section 11.04. NONCONFORMING BUILDINGS.

Where a lawful building exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such building may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming building may be enlarged or altered in any way which increases its non-conformity. Shown in Figure 11-1.
- B. Should such nonconforming building be destroyed by any means to an extent of more than sixty (60%) percent of the physical building, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
  - 1. This provision does not apply to nonconforming single-family homes, which may be replaced even if completely destroyed, provided the new structure does not increase the nonconformity.
  - 2. The construction or repair shall begin within one (1) year of the day that the destruction is officially documented. The Zoning Administrator may grant up to a one (1) year extension if the applicant can show diligently pursuing reconstruction. If repairs

*Figure 11-1: Nonconforming Building Expansion*





or construction are not completed in the required timeframe, it may only be reconstructed if in full compliance of Ordinance requirements.

- C. Should such building be moved for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. If any building, manufactured home, or other structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, legal nonconforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less nonconforming than the unit being replaced, and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

#### Section 11.05. NONCONFORMING USES OF LAND OR STRUCTURES.

Where at the time of passage of this Ordinance, lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater floor area of land or additional structures, intensity of activities, or more services and activities than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.
- C. 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 in changing the use of the structure to a use permitted.

#### Section 11.06. NONCONFORMING STRUCTURES AND OTHER IMPROVEMENTS.

For other structures and other improvements not specifically mentioned in this Article, please reference the below provisions on how these should be addressed:

- A. SIGNS. ARTICLE 9
- B. LANDSCAPING. See Section 8.13.
- C. PARKING. ARTICLE 7
- D. For any other types not listed, these structures and improvements shall not increase their nonconformity status and upon more than sixty (60%) percent of the structure or improvement to be replaced shall come into full compliance.

#### Section 11.07. REPAIR OR MAINTENANCE.

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of one (1) year on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding sixty (60%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Nothing in this Article 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.



#### Section 11.08. ABANDONMENT.

If Oregon Township identifies a legal nonconforming use that they believe has been abandoned, they shall submit the property to the Planning Commission (PC) for a determination of abandonment. The PC shall hold a public hearing following the requirements in Section 3.08. The PC shall determine whether intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:

- A. Report such as from the Building Inspection or Health Department indicating the property is or has not been suitable for occupation.
- B. Disconnection of utilities.
- C. Evidence of a “going out of business” sale.
- D. Signs advertising the business has been removed.
- E. The use has been disconnected for one (1) year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
- F. Removal of equipment or fixtures necessary for the operation of the nonconforming use.
- G. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
- H. Other actions by the property owner or lessee that demonstrates an intent to abandon the nonconforming use such as allowing the property to go into foreclosure.

#### Section 11.09. STATUS OF REQUIRING A SPECIAL LAND USE.

A use established legally without Special Land Use approval which now requires Special Land Use approval due to a text change or rezoning is a nonconforming use until it receives Special Land Use approval. Any existing use approved as a Special Land Use previously under this Ordinance shall be deemed a conforming use.

#### Section 11.10. CHANGE IN TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership, or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.



ARTICLE 12  
Reserved



Reserved  
12-1





Section 13.01. PURPOSE.

- A. The intent of this Article is to provide the Township with the opportunity to review land use changes in relationship to surrounding uses, accessibility, pedestrian and vehicle circulation, off-street parking, public utilities, drainage, environmental characteristics, and other site characteristics that may impact the public health, safety, and compliance with this Zoning Ordinance and other applicable ordinances.
- B. A site plan shall be prepared and submitted for every construction project and every proposed change in land use, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 13.02. PRELIMINARY SITE PLAN REVIEW.

An applicant may request a preliminary meeting before formal submittal of a site plan to review the general concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:

- A. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the preliminary plan.
- B. The applicant can be placed on the Planning Commission's agenda to provide general feedback and information about the preliminary plan.

Section 13.03. PROCEDURE.

- A. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The application submitted shall include:
  - 1. Completed application with a completed site plan that includes information and number of copies indicated on the application.
  - 2. Proof of ownership or authorization by the property owner.
  - 3. Payment of associated fees, established by the Township Board in their fee schedule.
- B. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. The Township may request additional Township Representatives such as the Township Attorney, Township Engineer, or Township Planning Consultant and other governmental jurisdictions such as Lapeer County as part of the site plan review process.
- C. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.
- D. An appeal of the Planning Commission's decision is subject to the process outlined in Section 15.04.E.

Section 13.04. CONTENT.

Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale of not less than one (1) inch equals one hundred (100) feet.
- C. Location map.
- D. Dimensions of all property lines and required setback lines.



- E. Name, address, and telephone number of the person who prepared the site plan.
- F. Location and dimensions of all existing and proposed structures on the property and on adjacent properties within one hundred (100) feet of the property lines.
- G. Location, material, and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas.
- H. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- I. Soil samples and contour information at one (1) to two (2) -foot intervals for proposed and existing topography.
- J. Location, species, dimensions and details of proposed plantings, greenbelts, and landscaped areas.
- K. Location, type of fixture, mounted height, and projection of lighting on all existing and proposed lighting.
- L. Location, material, and dimensions of existing or proposed dumpster enclosure or statement regarding waste management.
- M. Location, type, and control of existing or proposed hazardous materials on site.
- N. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- O. Location, dimensions, and drawings of existing and proposed signs.
- P. Any additional items identified by the Planning Commission to verify compliance with the Oregon Township Ordinances.
- Q. The Planning Commission may waive any information requirements in this Section because the information is not necessary to verify compliance with the Oregon Township Ordinances.

#### Section 13.05. STANDARDS.

In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment. Compliance with all requirements in the Oregon Township Ordinances.
- C. Adequacy of public utilities and public services to service the proposed site plan.
- D. Location and design of proposed structures to ensure that detrimental effects on adjacent properties will be minimized.
- E. Adequacy of storm drainage and protection of natural features to conserve natural resources.

#### Section 13.06. CONDITIONS.

Any conditions associated with an approval shall meet the requirements in Section 3.10.

#### Section 13.07. TIME FOR COMPLETION.

All construction subject to a site plan shall be completed in full compliance with the plan. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial



approval unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

#### Section 13.08. PERFORMANCE GUARANTEE.

Any performance guarantee associated with a Special Land Use approval shall meet the requirements in Section 3.11.

#### Section 13.09. AMENDMENTS.

- A. Any incidental and minor variations as determined by the Zoning Administrator will require an administrative approval by the Zoning Administrator. These shall include, but are not limited to:
  - 1. Movement of a building or structure no more than five (5) feet from the location originally indicated in the site plan (must still meet all other requirements unless otherwise noted).
  - 2. Movement of required landscaping no more than five (5) feet from the location originally indicated in the site plan.
  - 3. Changes required or requested by the county, state, or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- B. Any changes more significant than previously mentioned are considered major changes and shall be reviewed as a new application by the Planning Commission for site plan compliance.

#### Section 13.10. DEVELOPMENT IMPACT STATEMENT.

- A. The purpose of the Development Impact Statement is to provide the Township with relevant information on the anticipated impact of a proposed development of adequate utilities, public services, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.
- B. Submission Requirements.
  - 1. Qualifications of Preparer. Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.
  - 2. A Development Impact Statement containing all the required information specified herein shall be required whenever one or more of the following conditions apply:
    - a. For any request for site plan review or Special Land Use having an area of (5) acres or more.
    - b. For any rezoning over five (5) acres or more.
    - c. For any proposal for residential development (site plan, subdivision, or site condominium) of fifty (50) or more units and/or resulting in a density of more than four (4) units per acre.
    - d. The Planning Commission may waive any of the Development Impact Statement submission requirements if it is determined that the subject information is not necessary to conduct a review of the application or determine that the potential impact of the project does not warrant.



3. Information and Data Required. The Development Impact Statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or Special Land Use, as specified in the Zoning Ordinance and Subdivision Ordinance; and, in addition, the following supplemental information shall be required:
  - a. If the possibility of wetlands exist on-site is indicated by the National Wetland Inventory map or at the request of the Township Engineer, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Great Lakes, and Energy (EGLE) shall be conducted.
  - b. Conceptual plan, showing how the proposed development relates to the above referenced conditions.
  - c. Any application for commercial or industrial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.
  - d. Other information, as determined by the Planning Commission that may be necessary to assess the impact of the proposed development.
4. Impact Assessment. The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate. (For rezoning requests, the impact assessment shall be based on the most intense use possible under the permitted uses within the zoning district being requested).
  - a. Brief description of the proposed land use.
  - b. Hours of operation, if applicable.
  - c. Identify whether the proposed use will create dust, noise, odor, or glare that may impact abutting property.
  - d. Project phasing plan or schedule.
  - e. Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
  - f. For sites to be served by wells and septic systems, documentation of adequacy and/or permits from the Lapeer County Health Department shall be required.
  - g. Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion and sedimentation during construction. Correspondence from the Lapeer County Drain Commissioner stating their initial concerns and recommendation shall be attached.
  - h. Describe the number of expected residents, employees, visitors or patrons, and the anticipated impact on public schools, police, fire, and other emergency services. Attention should be given to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.





5. Evaluation Standards. In reviewing Development Impact Statements, the Planning Commission shall consider the information provided in relation to the following standards:
- The use shall not result in a negative impact on surrounding development, taking into consideration the type and intensity of use on the basis of the potential for nuisances (glare, noise, odor, etc.).
  - The use is compatible with planned development patterns, as expressed in the Township's adopted Master Plan.
  - Adequate water, sanitary sewer, or storm water is managed appropriately to not impact the surrounding neighbors.
  - The Township is capable of providing police and fire protection to the proposed development on the basis of existing equipment and personnel. The decision by the Planning Commission regarding police and fire services shall be based on information provided to the commission from the fire and police departments.
  - Public schools are available to serve the anticipated number of children to be generated by the proposed development (residential projects only). The decision by the Planning Commission regarding the ability of the public school system to accommodate a proposed residential development shall be based on information provided to the Planning Commission from the school district.
  - That natural resources will be preserved to the maximum extent feasible, and that areas to be left undisturbed during construction shall be so indicated on the plan.
  - The proposed development does not encroach into floodways or floodplains.
  - Any adverse impacts that are the direct result of mitigation strategies shall also be addressed.

#### Section 13.11. SITE CONDOMINIUM DEVELOPMENTS.

A. Site condominium developments.

Single-family detached condominium developments are subject to the following requirements:

- Review. Pursuant to authority conferred by Section 141 of the Michigan Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
  - Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
  - Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items (a through g) of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
- Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in ARTICLE 13 of this Ordinance (Site Plan Review) and



Section 66 of the Michigan Condominium Act, and shall also include the following information:

- a. A survey of the condominium subdivision site.
  - b. A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands, and woodland areas.
  - c. The location size, shape, area and width of all condominium units, and the location of all proposed streets.
  - d. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
  - e. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair, and maintenance of utilities.
  - f. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision.
  - g. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
3. Zoning District Requirements. The development of all site condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
  4. Streets. All streets for a site condominium project shall conform to the Lapeer County Road Commission standards for subdivision streets and shall be dedicated as a public road.
  5. Utility Easements. The site condominium plan shall include all necessary easements for the purpose of constructing, operating, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits, and other installations of a similar character for the purpose of providing public utilities. Easements shall also be provided for any necessary stormwater run-off across, through, and under the property, including excavating and maintenance of ditches and storm water retention areas.
  6. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.





Section 14.01. PURPOSE.

This Article is intended to provide regulations for Special Land Uses, which may be compatible with permitted uses in a zoning district, under specific locational and site criteria. This Article provides standards for the Planning Commission to determine the appropriateness of a given Special Land Use based on factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on natural features, demand on public facilities and services, equipment used, and processes employed. Establishment or expansion of any Special Land Use requires a Special Land Use approval under this Article.

Section 14.02. APPLICATION.

For all Special Land Uses, a written application and site plan shall be submitted to the Planning Commission as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006) as amended. All informational requirements indicated in Section 13.04 must be addressed in the application. The application may also be subject to a Development Impact Statement outlined in Section 13.10.

Section 14.03. PRELIMINARY SPECIAL LAND USE REVIEW.

An applicant may request a preliminary meeting before a formal submittal of a Special Land Use application to review the general concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:

- A. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the preliminary plan.
- B. The applicant could be placed on the Planning Commission's agenda to provide some general feedback and information about the preliminary plan.

Section 14.04. STANDARDS.

Requests for Special Land Uses shall be granted or denied based on the following standards:

- A. The location, size, and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood. The proposed use shall have adequate access to public utilities and public services.
- B. The proposed use shall not result in the creation of a hazardous traffic condition and shall provide adequate onsite traffic ingress, egress, circulation, and parking.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, lighting, or other causes. The proposed use will continue to protect natural features and conserve natural resources.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 14.05. EXPIRATION.

Planning Commission permission for a Special Land Use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been utilized for the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one (1) -year period.



#### Section 14.06. PERFORMANCE GUARANTEE.

Any performance guarantee associated with a Special Land Use approval shall meet the requirements in Section 3.11.

#### Section 14.07. REVOCATION.

The Planning Commission shall have the authority to revoke any Special Land Use approval after the applicant has failed to comply with any of the applicable requirements of this Article, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval (Section 3.08). The applicant shall be provided an opportunity to present information and to answer questions. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied.

#### Section 14.08. AMENDMENTS.

- A. An amendment to a Special Land Use shall be required when there are the following changes from the original Special Land Use approval:
  - 1. Increase in the gross floor area of the Special Land Use area
  - 2. Increase in the gross floor area of the parking lot
  - 3. Increase in intensity resulting in more traffic, off-site impacts (odor, noise, etc.) or additional services
  - 4. Changes to conditions required by the original Special Land Use
- B. An amendment to a Special Land Use shall require a full reapplication including a public hearing with the Planning Commission following the procedure in Section 3.08.

## ARTICLE 15 Zoning Board of Appeals



### Section 15.01. PURPOSE STATEMENT.

The establishment and power for the Zoning Board of Appeals (ZBA) is established by the Michigan Zoning Enabling Act PA 110 of 2006 as amended. The intent of this Article is to establish the ZBA, outline duties and responsibilities, provide procedures for processing applications, and standards for approval of applications. Additionally, the ZBA will ensure the spirit of this Article is observed, public safety is secured, and substantial justice is done for the residents of the Township.

### Section 15.02. MEMBERSHIP.

- A. There is hereby established a Zoning Board of Appeals. The ZBA shall consist of five (5) members appointed by the Township Board.
- B. One (1) member may be a member of the Township Board. One (1) member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township.
- C. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three (3) -year term. These members have the opportunity to be reappointed to another vacancy of the ZBA.
- D. The Township Board may also appoint two (2) alternate members to three (3) -year terms to serve whenever a regular member is unable to participate. Alternative members shall have the same powers as a regular member when participating in the meeting.
- E. The ZBA shall elect a Chairperson, Vice-Chairperson, and Secretary. A Township Board member may not serve as Chairperson.

### Section 15.03. DUTIES AND RESPONSIBILITIES.

The duties and responsibilities of the ZBA include:

- A. Processing administrative or Planning Commission appeals.
- B. Processing non-use variances
- C. Interpretation of the Zoning Ordinance and Zoning Map.

### Section 15.04. APPEALS.

- A. An appeal may be taken to the ZBA by any person wishing to appeal for a variance from any ordinance.
- B. All appeals must be applied for in writing on forms provided by the Township. An application shall be filed with the Zoning Administrator. An applicant has thirty (30) days from the date of the decision to file an appeal (written correspondence or meeting date).
- C. PROCEDURE. All appeals shall follow the public hearing notice procedures noted in Section 3.08. The ZBA shall hold the public hearing and make a decision.
- D. ADMINISTRATIVE APPEALS. An appeal may be taken to the ZBA by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision of an official or body responsible for administering the Zoning Ordinance. The ZBA shall also interpret the Zoning Map and rule on nonconforming uses and structures whenever the determination of the Zoning Administrator is appealed.



- E. **PLANNING COMMISSION APPEALS.** A qualified application for an appeal of a Planning Commission decision is from property owners or occupants within the public notice area that are deemed to be impacted by the subject application. An appeal must be filed within thirty (30) days of the decision by the Planning Commission.
1. In the case of an appeal of a Planning Commission decision, the Planning Commission representative on the ZBA may not participate in a public hearing or vote on an appeal of a matter that they voted on as a member of the Planning Commission. They may consider and vote on other unrelated matters involving the same property.
- F. **STANDARDS FOR APPROVAL.** The standards for the basis of a decision of an appeals case shall be based on at least one (1) of the following standards to be found in support:
1. was the original decision arbitrary or capricious; or
  2. was the original decision based on an erroneous finding of a material fact; or
  3. did the original decision constitute an abuse of discretion; or
  4. was the original decision based on erroneous interpretation of the Zoning Ordinance or zoning law.

Section 15.05. AUTHORITY TO GRANT NON-USE VARIANCES.

- A. The Zoning Board of Appeals (ZBA) shall have the authority to grant only non-use variances. The application shall follow the public notice requirements in Section 3.08
- B. **STANDARDS.** In considering variance requests, the ZBA shall make the following findings:
1. That there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
  2. That a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
  3. That the hardship or special conditions or circumstances do not result from actions of the applicant.
  4. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
  5. That strict compliance with the provision as written would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
  6. That the variance requested is the minimum amount necessary to mitigate the hardship.
- C. **VALIDITY.** Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.



- D. RESUBMITTAL. Upon the ZBA making a decision, an applicant cannot resubmit an application on the same matter until one (1) year after the case was heard or a change in condition that would modify the basis of the decision that was made at the time.

#### Section 15.06. INTERPRETATION.

- A. The Zoning Board of Appeals (ZBA) shall have the authority to do the following types of interpretations:
1. Text Zoning Ordinance,
  2. Zoning Map (zoning district boundaries),
  3. Whether or not a specific use falls into a larger land use classification, or
  4. Classification of a use clearly not included in this Ordinance that is deemed to be a permitted use. In defining a use not clearly stated, the ZBA shall determine the appropriate definition of the use, parking, and additional requirements specific to the use as deemed necessary.
- B. STANDARDS. The following shall be the basis for an approval standard for an interpretation:
1. Consistent with intent/purpose of the zoning district.
  2. Consistent with goals and Future Land Use Plan in the Master Plan.
- C. Upon the decision by the ZBA, an interpretation shall be maintained by the Zoning Administrator and, if necessary, may initiate a text amendment procedure to modify this Ordinance to maintain consistency based on this ruling.

#### Section 15.07. DECISIONS.

- A. PROCEDURE. All Zoning Board of Appeals (ZBA) applications shall be submitted thirty (30) days prior to the ZBA meeting. The application shall include:
1. Complete and signed application.
  2. Ten (10) copies of the plot plan/written situation.
  3. The ZBA may require the applicant to provide such additional information as is necessary to make a decision.
- B. The ZBA shall state findings and the grounds for each decision. In making a decision, the ZBA may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance as noted in Section 15.01.

#### Section 15.08. VOTING.

- A. The ZBA decisions are based on a majority of the regular members. This would require at least three (3) members to vote in the same way to determine a valid decision.





## ARTICLE 16 Amendments and Rezoning



### Section 16.01. PURPOSE.

The purpose of this Article is to identify the procedures for initiation and review of text and map amendments to this Zoning Ordinance and provide standards for approval of the proposed amendments.

### Section 16.02. PROCEDURE.

- A. An applicant may request a preliminary meeting before formal submittal of a text or map amendment to review the general concept or basic location of various features and characteristics. The preliminary meeting can be held in two (2) different ways:
  - 1. Township Staff and other Township Representatives can meet with the applicant to provide general feedback and information about the requested amendment.
  - 2. The applicant can be placed on the Planning Commission's agenda to provide general feedback and information about the requested amendment.
- B. Initiation of amendments may be directed by the Township Board, Planning Commission, property owner, or petition as stated in Section 402 of the Michigan Zoning Enabling Act.
- C. All completed applications and paid associated fees shall be submitted to the Zoning Administrator for review. One application can include non-contiguous parcels. If more than two (2) non-contiguous parcels are proposed as part of a project, a separate application will be required for each non-contiguous parcel.
- D. If applicable, a Development Impact Study may be required by the Planning Commission with this application regarding map amendments as shown in Section 13.10.  
Depending on the project, multiple applications may be required such as site plan, Special Land Uses, variances, etc. These applications may be processed simultaneously with amendments as determined by the Zoning Administrator.
- E. The proposed amendment shall follow all public hearing procedure and notice requirements as stated in Section 3.08.
- F. The Planning Commission shall conduct the required public hearing, and provide recommendations based on the standards in Section 16.03 for the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations to the Township Board.
- G. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Lapeer County Board of Commissioners or its designee for review and comment, if required by the County. If a rezoning or amendment is submitted to the County and no recommendation is received from the County within 30 days, the Township Board shall conclusively presume that the County has waived its right for review.
- H. After receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment based on the standards in Section 16.03. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board. Notice of adoption shall be published as required by Section 401 of the Michigan Zoning Enabling Act.



- I. Upon decision by the Township Board, the same application cannot be submitted to Oregon Township until after one (1) year of the decision, unless conditions have changed or new information has been provided.

Section 16.03. STANDARDS FOR APPROVAL.

- A. In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.
1. Consistency with the goals, policies, and Future Land Use Map of the Oregon Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
  2. Evidence that the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
  3. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
  4. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of the Township.
  5. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
  6. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- B. Criteria for Amendments to Zoning Ordinance Text. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the Zoning Ordinance text or responding to a petitioner's request to amend the Ordinance text. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.
1. The proposed amendment would correct an error in the Ordinance.
  2. The proposed amendment would clarify the intent of the Ordinance.
  3. Documentation has been provided from Township Staff or the Zoning Board of Appeals or Planning Commission indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
  4. The proposed amendment would address changes to state legislation.
  5. The proposed amendment would promote compliance with changes in other Township Ordinances and county, state, or federal regulations.
  6. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
  7. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Master Plan, and enhance the overall quality of life in Oregon Township.



#### Section 16.04. VOLUNTARY/CONDITIONAL REZONING AGREEMENTS.

- A. **APPLICATION.** Any offer to enter into a conditional rezoning agreement shall submit to the Zoning Administrator the rezoning fee, completed application, concept plan, and written voluntary conditions associated with the proposal. Proposed rezoning agreements may only be initiated by the owner of the property and not by the Township.
- B. **PROCEDURE.**
1. The proposed amendment shall follow all public hearing procedure and notice requirements as stated in Section 3.08.
  2. The Planning Commission shall conduct the required public hearing, and provide recommendations based on the standards in Section 16.03.A for the approval or denial of the proposed conditional rezoning of property to the Ordinance regulations to the Township Board.
  3. Upon completion of action by the Township Planning Commission, the proposed conditional rezoning shall be submitted to the Lapeer County Board of Commissioners or its designee for review and comment, if required by the County. If a conditional rezoning is submitted to the County and no recommendation is received from the County within 30 days, the Township Board shall conclusively presume that the County has waived its right for review.
  4. After receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed conditional rezoning. Any decision by the Township Board which results in the conditional rezoning of property, or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.
    - a. If a conditional rezoning is approved by the Township Board, an affidavit outlining the approved conditions, signed by the Township Supervisor and the property owner, shall be recorded with the Register of Deeds and shall run with the land.
    - b. If applicable, any conditions shall be listed on the site plans.
  5. Upon decision by the Township Board, the same application cannot be submitted to Oregon Township until after one (1) year of the decision, unless conditions have changed, or new information has been provided.
- C. **LIMITATIONS ON AGREEMENTS.**
1. A conditional rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in ARTICLE 15. Any agreement shall include a specific time period during which the terms of the agreement must be completed.
  2. If the conditional rezoning involves development requiring site plan or Special Land Use approval, such approvals are separate from the conditional rezoning approval by the Township Board.





Section 17.01. DEFINITIONS.

Section 17.02. PURPOSE.

The purpose of this Article is to establish rules for the interpretation of the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary. Certain words and terms which may not appear in this Article, but which have special application may be defined in other articles to which they apply. Terms not defined in this Ordinance shall have the meanings customarily assigned to them or as are found in the latest edition of Merriman Webster's Dictionary.

Section 17.03. USE OF WORDS AND TERMS.

- A. If the meaning of this Ordinance is unclear in a particular circumstance, the Zoning Board of Appeals (ZBA) shall construe the provision to carry out the intent of this Ordinance if such can be discerned from other provisions of this Ordinance or law.
- B. All words and phrases used in this Ordinance shall be construed and understood according to the common preferred usage of the language as defined in the Merriman Webster's Dictionary; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- C. Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.
- D. The words "person," "property owner," and "operator" shall include any recognized form of legal entity.
- E. The words "property," "lot," "parcel," "real estate," "premises," "plot," and "land" shall be interpreted to mean real property as delineated and described by legal documents and instruments.
- F. The word "road" shall also mean "highway," "street," "alley," "drive," "cul-de-sac," or other public thoroughfare.
- G. The word "building" shall include the word "structure."
- H. The words "used" or "occupied," when applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I. The words "shall" and "required" are always interpreted as mandatory and never as permissive or discretionary.
- J. The word "may" shall be interpreted as permissive or discretionary.
- K. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
  - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
  - 3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.



- L. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the Township or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

#### Section 17.04. DEFINITIONS A-D.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ALTERATIONS. Any change, addition, or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

#### ANIMALS.

- A. Domestic (Pet). An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and which is not likely to bite without provocation nor cause death, maiming, or illness to human beings, including bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (non-poisonous), and dog. Exotic animals and animals bred, raised, or boarded for commercial purposes shall not be considered domestic animals.
- B. Exotic. Any animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which is of wild or predatory character, or which because of size, aggressive, or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained, or confined in a safe and secure manner, including any hybrid animal that is part exotic animal including elephants, rhinoceroses, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, snakes, crocodiles, alligators, seals, sharks, wolves, and primates such as baboons, orangutans, chimpanzees, monkeys, and gorillas.
- C. Livestock. Any of various bird or animal breeds, domesticated so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese, turkeys, and swine.

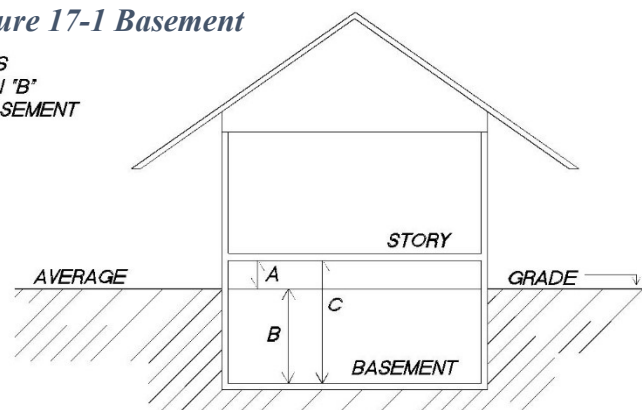
ARCHITECTURAL FEATURES. Architectural features of a building shall include, but not be limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments, etc.

BASEMENT OR CELLAR. That portion of a building which is partly below and partly above grade and having at least half (1/2) its height below grade.

BOAT. A watercraft having a motor or engine powered by gasoline, other fuel, or electricity.

*Figure 17-1 Basement*

WHEN "A" IS  
LESS THAN "B"  
"C" IS A BASEMENT



**BUILDING.** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include vehicles, trailers, or manufactured homes situated on private property and used for purposes of a building.

**BUILDING HEIGHT.** The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.

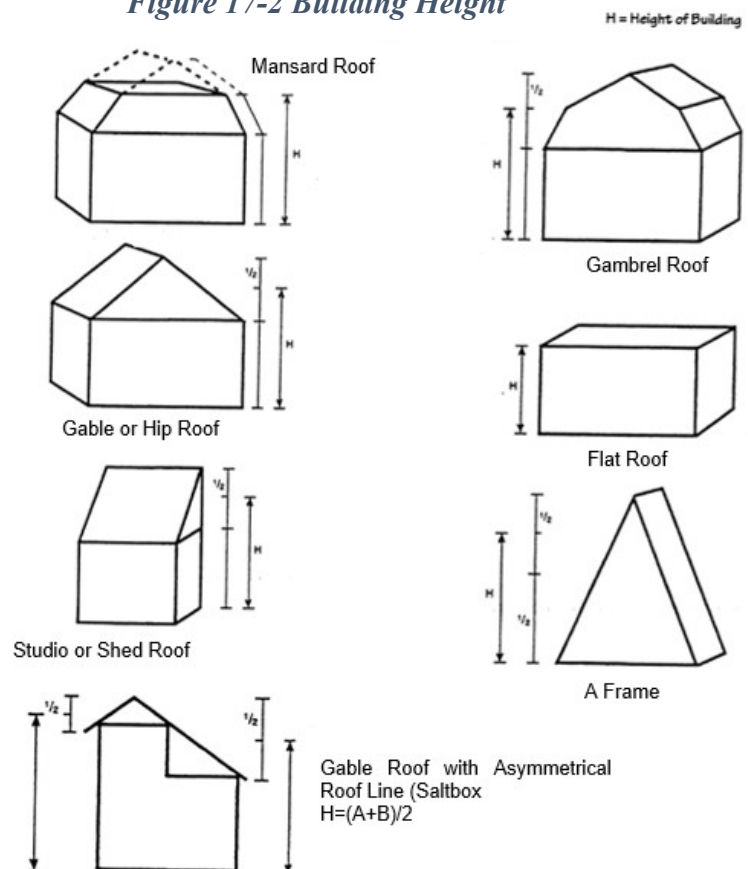
**BUILDING INSPECTOR.** The officer or other designated authority charged with the administration and enforcement of the Township Building Code, or his/her duly authorized representative.

**BUILDING PERMIT.** An authorization issued by the Building Inspector to move, erect, or alter a structure within the Township.

**CERTIFICATION OF OCCUPANCY.** A written document received from the Building Official stating that the Township Building Code, as amended, and this Zoning Ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its declared purpose.

**CHANGE OF USE.** A use of a building, structure, or parcel of land, or portion of a building, structure, or parcel of land, which is different from the previous use in the way it is classified in this Ordinance.

*Figure 17-2 Building Height*





**CONDOMINIUM CONVENTIONAL.** A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

**CONDOMINIUM GENERAL COMMON ELEMENTS.** Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978).

**CONDOMINIUM LIMITED COMMON ELEMENTS.** Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978).

**CONDOMINIUM MASTER DEED.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978).

**CONDOMINIUM, SITE.** A condominium development which includes only detached single-family residences located on individual sites. See Figure 17-3 and Figure 17-4.

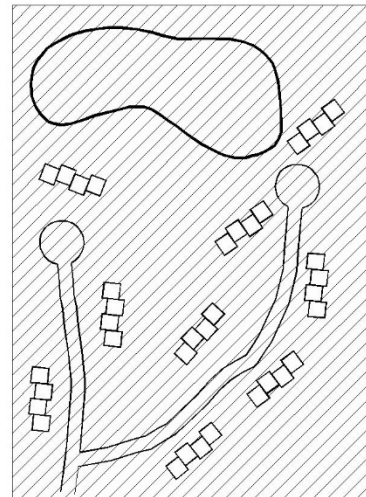
**CONDOMINIUM, UNIT.** That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any “condominium unit” consisting of vacant land shall be equivalent to the term “lot” for the purposes of determining compliance with minimum lot size or lot width. See Figure 17-3 and Figure 17-4.

**CONSTRUCTION.** The erection, alteration, repair, renovation, demolition or removal of any building or structure; and/or the excavation, filling, and grading of a lot.

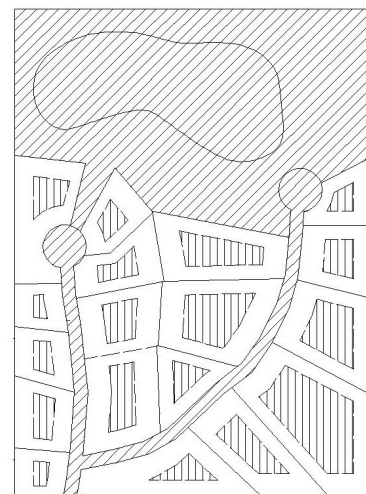
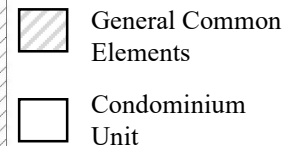
**DOCK or DOCKING.** The mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to a separate frontage; and shall also mean the regular anchoring of a boat adjacent to a separate frontage.

**DRAINAGE.** The collection, conveyance, or discharge of ground water and/or surface water.

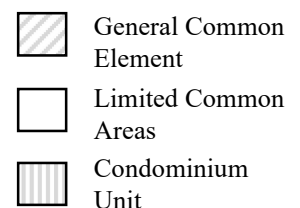
**DRIVEWAY.** A private path of travel over which a vehicle may be driven which provides access from parcels of land to a public or private road.



*Figure 17-3  
Conventional  
Condominium*



*Figure 17-4 Site  
Condominium*





DWELLING UNIT. Any house, building, manufactured home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

Section 17.05. DEFINITIONS E-L.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel, or dirt from its natural location.

EXPANSION. An addition to an existing building or structure which extends or increases the floor area, or height of a building or structure and an extension of a use over a larger portion of a building, structure, or area of land.

FAMILY. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children.

FUNCTIONAL FAMILY. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit but in no case exceeding twelve (12) individuals. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM BUILDING. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FENCE. An unroofed structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure.

**FILLING.** The depositing or dumping of any matter onto or into the ground.

**FLOODPLAIN.** The area of land adjacent to a lake or stream identified as the flood hazard area on the Flood Insurance Rate Map (FIRM).

**FLOOR AREA, GROSS.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.

**FRONTAGE.** That part of a lot (a lot line) abutting on a street or way.

**GRADE.** The average elevation of the natural ground surface of a parcel of land, or the finished surface of ground after the development, filling, or excavation of a parcel of land.

**GRADING.** Any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

**GREENBELT.** A strip of land intended to serve as a buffer or screen and meeting the requirements of Section 8.13 of this Ordinance.

**GROUND COVER.** Grasses or other plants grown to keep soil from being blown or washed away.

**JUNK.** Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

**LAUNCH or LAUNCHING.** The placing of a boat in a lake.

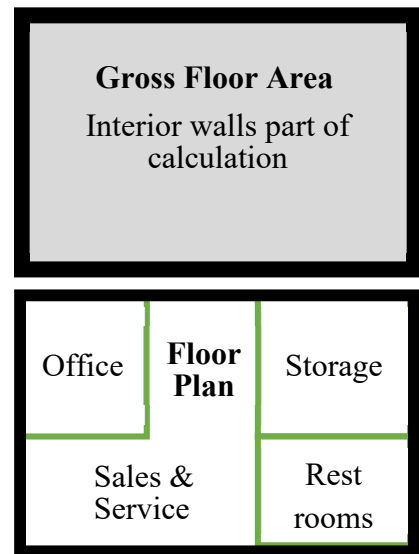
**LIVESTOCK.** Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

**LOADING SPACE.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. In the case of a site condominium, each condominium unit and its contiguous associated limited common area shall constitute a lot.

**LOT AREA.** The total area within the described lot lines of a parcel of land, excluding road right-of-way or the submerged area of any river or lake at the shoreline or ordinary high water mark. Regulated wetlands may be included within the area of a lot, provided at least seventy-five (75%) percent of the minimum required lot area shall be buildable upland area.

*Figure 17-5 Gross Floor Area*



**LOT COVERAGE.** That portion of the area of lot that contains buildings measured as a percent of the entire lot area.

**LOT, CORNER.** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty-five (135) degrees or less. The point of intersection of the street lot lines is the “corner.” In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. See Figure 17-6.

**LOT, DOUBLE FRONTAGE.** An interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing structures in the same block fronting on one or both streets, the required front yard setback shall be observed on those streets where such structures presently front. See Figure 17-6.

**LOT, INTERIOR.** A lot other than a corner lot or through lot. Any portion of a corner lot more than one hundred twenty (120) feet from the “corner” measured along a front street lot line shall be considered an interior lot. See Figure 17-6.

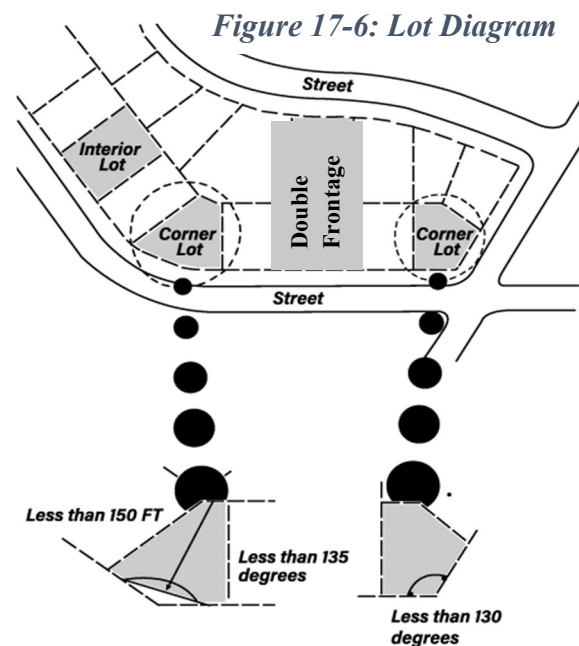
**LOT DEPTH.** The average distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.

**LOT LINE.** The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly owned parcel of land. See Figure 17-7.

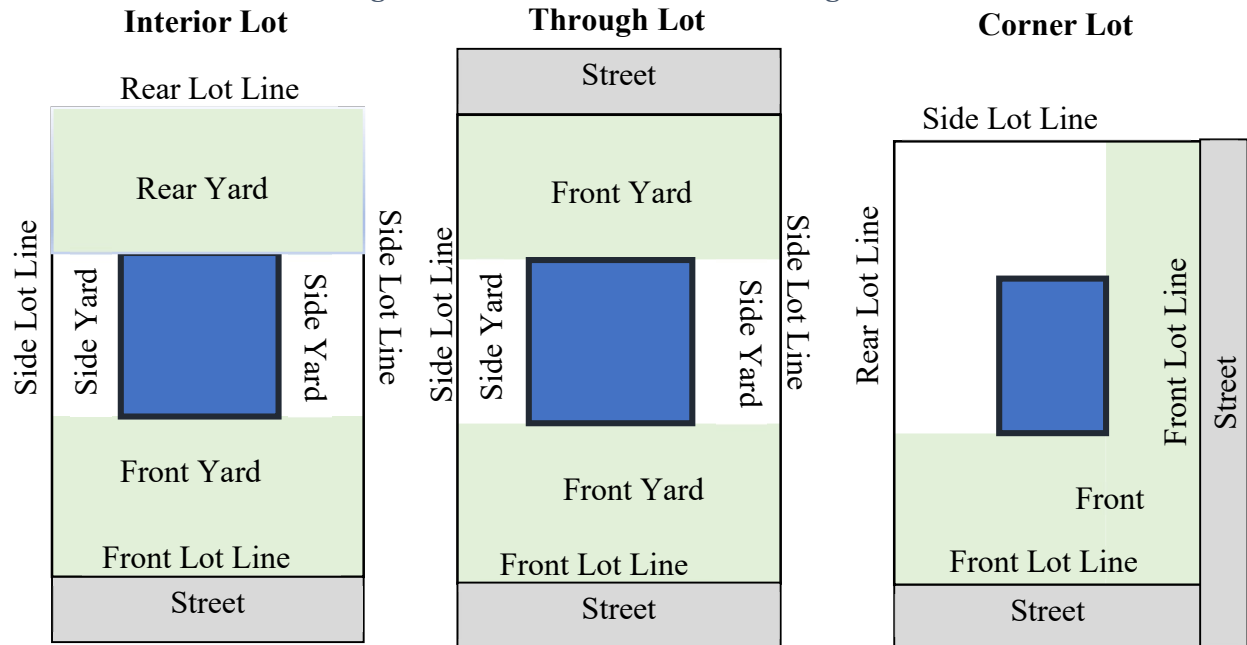
**LOT LINE, FRONT.** In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street. See Figure 17-7.

**LOT LINE, REAR.** Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In the case of a corner lot, the rear lot line shall be the opposite of the shortest front lot line. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line. See Figure 17-7.

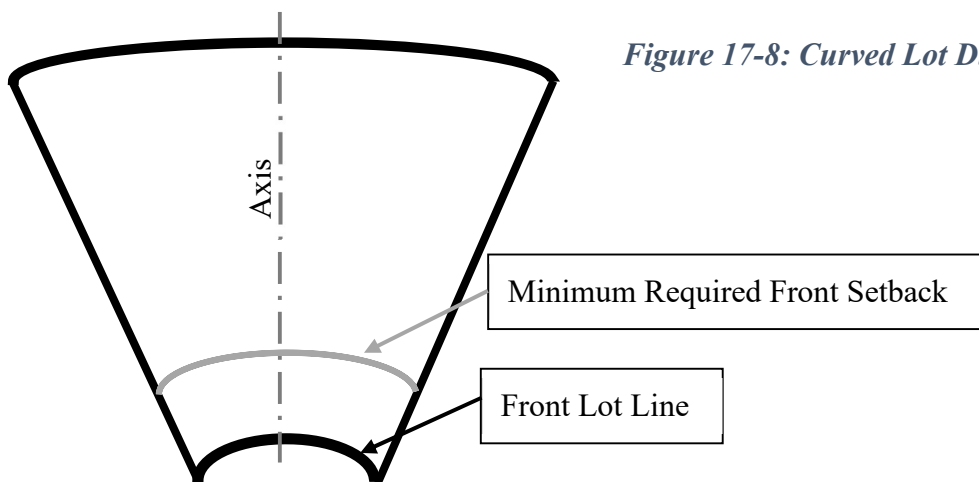
**LOT LINE, SIDE.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. See Figure 17-7.



**Figure 17-7 Yard Determination Diagram**



**LOT WIDTH.** The horizontal distance between the side lot lines measured at the two points where the building line, or setback, intersects the side lot lines. If the side lot lines are not parallel, the width of the lot shall be the straight line horizontal distance between the side lot lines measured along a line intersecting the axis of the lot at a right angle at a distance equal to the minimum required front setback. The axis of a lot shall be a line joining the midpoint of the front and rear lot lines. The minimum required width of a lot shall extend from the front setback line to the rear setback line. In the case of a corner lot, the width shall be the side with the shortest front yard to either side.



**Figure 17-8: Curved Lot Diagram**

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Lapeer County Register of Deeds.

Section 17.06. DEFINITIONS M-R.

MASTER PLAN. The plan authorized by PA 33 of 2008 the Michigan Planning Enabling Act and serving as the policy basis for zoning and community development decisions in the Township.

MANUFACTURED HOME. (includes house trailers, and mobile homes). A dwelling unit designed for long-term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MEZZAINE. An intermediate or fractional story between the floor and ceiling of a main story.

NUISANCE. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, invasion of non-abutting street lot frontage by traffic (“cut-through” traffic), a burned out structure, and a condemned structure.

OCCUPY. The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise, or machinery in any institutional, commercial, agricultural, or industrial building.

OFF-STREET PARKING LOT. A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three (3) vehicles.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PETS, DANGEROUS. Any non-household pets or non-domesticated species of animal that attacks, bites, or injures human beings or domesticated animals without provocation; or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or domesticated animals.

PERMIT. An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not prohibited by law, but not allowed without such authorization.

PERSON. A human being, partnership, corporation, association, including a condominium association, and any other entity for which the law provides.

PLANNING COMMISSION. The duly appointed Planning Commission of Oregon Township.

**PLOT PLAN.** A scale drawing showing property lines, driveways and roads, location, and dimensions of all structures which exist on the property as well as any proposed structures, and water areas such as ponds, lakes, streams, or drains. A plot plan may be prepared by the owner and need not be prepared by a surveyor or engineer. Plot plans do not need to comply with the site plan requirements of ARTICLE 13.

**PRINCIPAL USE.** The primary or predominant purpose to which a parcel of land is devoted as distinguished from an accessory use.

**REPAIR.** The reconstruction or renewal of any part of an existing building or structure for the purpose of maintenance.

**RESTORATION.** The reconstruction or replication of an existing building's original architectural features.

**RETENTION POND.** A system, which is designed to capture storm water and contain it until it infiltrates the soil or evaporates.

**RIGHT-OF-WAY.** A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase, or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

#### **Section 17.07. DEFINITIONS S-Z.**

**SEPARATE LAKE FRONTAGE.** That portion of a privately owned lot or parcel of land existing on documentation recorded within the Lapeer County Register of Deeds, which abuts or intersects with the normal highwater mark of a lake. This shall include lots or parcels owned by one (1) or more persons as well as lots or parcels commonly owned by several persons. For the purpose of computing the length of frontage, the measurement shall be along the water's edge at the normal highwater mark of the lake as determined by the Department of Environmental Quality (now known as EGLE, Michigan Department of Environmental Great Lakes and Energy). If EGLE has not made such a finding, the normal highwater mark location shall be determined by the Township. The measurement shall be made only along a natural shoreline.

**SETBACK.** The distance between the edge of a building or structure where open space is unoccupied and unobstructed from the ground upward and a road right-of-way line or a property line.

**SETBACK, REQUIRED.** The requirement that a building be set back a certain distance from the street or lot line, whether on the street level or at a prescribed height. The aim is to allow more room for the pedestrian or to reduce the obstruction to sunlight reaching the streets and lower stories of adjoining buildings.

**SIGN.** Any outdoor sign, display, device, figure, painting, writing, drawing, message, placard, poster, billboard, or other thing designed, intended, or used to advertise or inform persons who are on the public roads.

**SIGN AREA.** The total surface area of a sign. In the case of signs having two sides back-to-back, the sign area shall be the total surface area of one side of the sign.

**SIGN, OBSOLETE.** A sign that advertises a product that is no longer made an event that has already occurred, or that advertises a business that has closed.





SIGN, OFF-SITE (BILLBOARD). A structure for the permanent display of off-premises advertising. Off-premises advertising is any commercial message referring or relating to an enterprise or business that is not conducted on the premises where the sign is located.

SIGN, PRINCIPAL ON-SITE. A sign advertising the name of a facility located on the same parcel of land as the sign.

SIGN, SECONDARY ON-SITE. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SOIL EROSION CONTROL. Structures, facilities, barriers, berms, vegetative cover, basins, and/or any other installation, temporary or permanent, which are designed to minimize and prevent erosion.

SPECIFIED ANATOMICAL AREAS.

- A. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

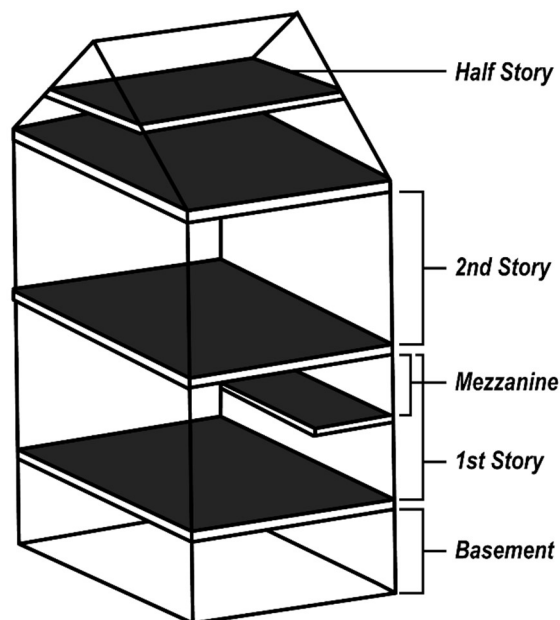
SPECIFIED SEXUAL ACTIVITIES.

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STORY. That portion of a building, other than a basement or mezzanine as defined herein, included between the surface of any floor and the floor next above it, or, if there is not a floor above, then the ceiling above.

STREET. A public or private thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, swimming pools and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.



*Figure 17-9 Story Diagram*



TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Oregon.

TRAVEL TRAILERS (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

USE. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

VARIANCE, NON-USE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the zoning district.

VARIANCE, USE. Any variance which allows a land use which is not included in the principal uses permitted or the Special Land Uses permitted within the zoning district.

WALL. The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms, or a solid fence of stone, brick, concrete or similar material.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

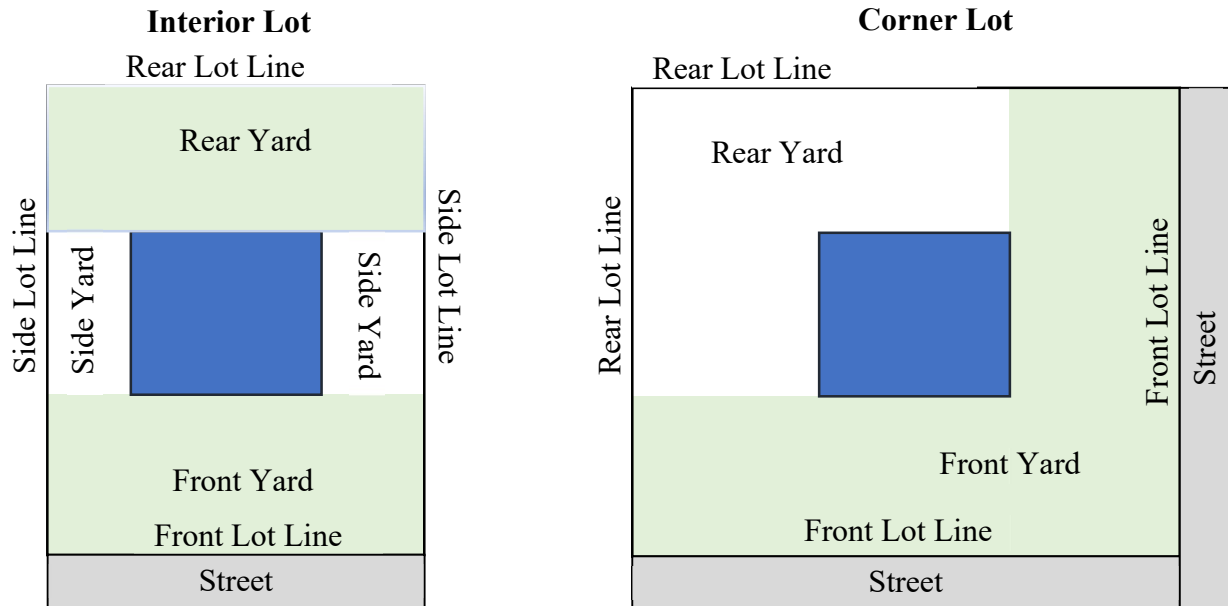
YARD, FRONT. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

YARD, SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.



*Figure 17-10 Yard Determination*



**ZONING.** The dividing of the Township into districts of a number and shape considered best suited to carry out the purposes of the zoning act and the creation of uniform regulations throughout each individual district. Such districts are referred to as zoning districts in this Ordinance.

**ZONING ADMINISTRATOR.** The official or other designated authority charged with the administration and enforcement of the Oregon Township Zoning Ordinance or his/her duly authorized representative.

**ZONING BOARD OF APPEALS.** The duly appointed Zoning Board of Appeals for the Township of Oregon.

**ZONING ORDINANCE.** The Oregon Township Zoning Ordinance, as amended.

**ZONING PERMIT.** Written approval by the Zoning Administrator that is required before commencing any construction, reconstruction, alteration of any building or other structure, or before establishing, extending, or changing any use on any lot.



## ARTICLE 18

### Saving Clause, Severability, and Repeal



#### Section 18.01. SAVING CLAUSE.

- A. Nothing in this Ordinance shall be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities, excluding legal nonconformities as defined in ARTICLE 11 Nonconformities.
- B. Such uses, structures, and activities 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.

#### Section 18.02. SEVERABILITY.

- A. Sections of 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 holding 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.
- B. Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of the provision to any other parcel, lot use building, or structure not specifically included in the ruling.

#### Section 18.03. REPEAL.

- A. All ordinances and amendments thereto enacted and/or adopted by Oregon Township, by virtue of Michigan Zoning Enabling Act 110 of 2006, as amended or the previous Township Zoning Act 184 of 1943, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are repealed as of the effective date of this Ordinance.
- B. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed, or right accrued or acquired, or liability, penalty, forfeiture, or punishment incurred before the time it was enforced, prosecuted, or inflicted.



## ARTICLE 19 Enactment



### Section 19.01. ORDINANCE ENACTED.

The provisions of this Zoning Ordinance No. 101 are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Oregon.

### Section 19.02. EFFECTIVE DATE.

This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 19.03, pursuant to the Michigan Zoning Enabling Act P.A. 110 of 2006.

### Section 19.03. CERTIFICATION

The undersigned Supervisor and Clerk of the Township of Oregon hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Oregon Township Board, at a meeting held on October 10<sup>th</sup>, 2023 and further certifies that a notice of adoption of this Ordinance was duly published in the LA View on October 26<sup>th</sup>, 2023, pursuant to the Michigan Zoning Enabling Act P.A. 110 of 2006.

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Jill K. Bristow  
Oregon Township Supervisor

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H. Paul Spencer  
Oregon Township Clerk

