

Section 34.00 – Preamble

The purpose of the Brown Road Innovation Zoning District shall be to encourage the development of property in accordance with the Charter Township of Orion Master Plan in a manner that: allows mixed industrial and commercial development in a visually cohesive district; promotes economic development; encourages collaboration between adjacent property owners in the form of shared access and lot combinations; promotes employment, and tax base; promotes redevelopment and new development; eliminates blighted properties; incorporates Low Impact Design (LID) practices as well as full or partial ratings for Leadership in Energy and Environmental Design (LEED); ensures safe and complementary vehicular and pedestrian circulation patterns and best practices for access management; improves environmental quality and remediates degraded properties; and provides an attractive transition between residential and non-residential properties. *(amended 04.06.15)*

The Brown Road Innovation Zoning District shall be specified for the areas as designated on the Charter Township of Orion Zoning Map.

Section 34.01 – Uses Permitted

- A. **Applicable Area and Requirements.** The Brown Road Innovation Zoning District encompasses the area as illustrated on the Zoning Map of the Charter Township of Orion. The requirements of this Section shall be applied in addition to the requirements of the applicable zoning districts and other applicable sections of the Charter Township of Orion Zoning Ordinance.
- B. **Schedule of Uses.** Use and development of land and buildings shall only be for the following use groups. Land and/or buildings indicated in Table 34-1 may be used for the purposes denoted. Uses not permitted are listed in Table 34-2. Ancillary uses or support uses shall only be allowed in conjunction with larger-scale projects involving planned developments of over ten (10) acres in size. *(amended 06.01.15)*
- C. **Ancillary commercial uses or stand-alone commercial uses** may be permitted within use group types A, B and C if developed in conjunction with larger-scale planned development projects having multiple tenants with a total land area of at least ten (10) acres. An ancillary use can only be built after the primary use has received building permits. The Township shall require a development agreement to ensure performance, phasing, or other development conditions as part of the ancillary commercial planned development project. The Planning Commission may also consider a waiver of the multi-tenant and minimum ten (10) acre requirement if a project promotes the economic development goals of the Township. *(amended 04.06.15)*
- D. **Special Land Uses.** Ancillary uses requiring special land use approval as listed in Table 34-1 shall be subject to the standards and approval requirements set forth within Section 34.02 and as provided in Section 30.02. *(added 04.06.15)*

Table 34-1 *(amended 04.06.15)*

USE GROUPS	EXAMPLES OF USES
Type A	Residential, Child Care, Health Care, and Public Uses (including or similar to the following):
	Single-family residential
	Multi-family residential
	Child care centers
	Senior assisted living
	Public/Semi-public/parks
	Essential public services
	Essential public service buildings
	Hospitals, medical office, clinics
	Radio, TV, Telephone Trans. Towers
	Colleges/Commercial Schools
	Churches

	Ancillary or Support Uses Allowed:
	Restaurants
	Banks / Credit unions (with drive-thru)
	Convenience store (without gas sales)
	Upper floor residential
	Ancillary Uses requiring Special Land Use Approval:
	Drive-thru uses
	Auto service/ Body repair
	Convenience store (with gas sales)
	Auto Wash
Type B	Commercial (including or similar to the following):
	Ancillary or Support Uses Allowed without Special Land Use Approval:
	Restaurants
	Banks / Credit Unions
	Convenience Store (with or without gas sales)
	Upper Floor Residential
	Office and Retail Uses
	Multi-tenant Shopping Centers
	Ancillary Uses requiring Special Land Use Approval:
	Drive-thru Uses
	Convenience Store (with gas sales)
	Auto Wash
Type C	Regional Commercial (including or similar to the following):
	Auto dealerships
	Large-scale retail establishments (over 55,000 sq. ft.)
	Multi-tenant shopping centers (over 55,000 sq. ft.)
	Building & lumber supply / Garden centers
	Office buildings
	Hospitals / Medical complexes
	Hotels / Motels with conference rooms, banquet facilities and/or a restaurant with a combined minimum area of five thousand (5,000) square feet
	Ancillary or Support Uses Allowed without Special Land Use Approval:
	Restaurants
	Office and Retail Uses
	Banks / Credit unions (with drive-thru)
	Convenience store (without gas sales)
	Upper floor residential
	Ancillary Uses requiring Special Land Use Approval:
	Drive-thru uses
	Auto service / Body repair
	Convenience store (with gas sales)
	Auto wash
	Dog kennels/Dog boarding or day care/Grooming

Type D	Research and Development/Industrial (including or similar to the following):
	Computer/Information Technology and Design, Data Processing, and other Computer-Related Services
	Corporate Offices
	Experimental Research, Development & Testing Labs
	Life Science Technology and Medical Laboratories
	Incubator Workshops
	Manufacturing, Processing, Stamping, etc.
	Printing
	Tool & Die, Gauge & Machine Shops
	Truck Rental / Truck Terminal / Distribution
	Warehousing / Wholesale
	Indoor mini-storage facilities with centralized access
	Indoor Commercial Recreation
	Ancillary Uses requiring Special Land Use Approval:
	Contractor’s Equipment Storage / Storage Yards
	RV Storage

Table 34-2

USES NOT PERMITTED	DISTRICTS
	Brown Road BIZ
Adult regulated uses	NP
Salvage/junk yards	NP
Asphalt plants	NP
Cement plants	NP
Extractive uses	NP
Commercial/industrial incinerators	NP
Slaughterhouse/rendering	NP
Waste processing facilities	NP
Composting facilities	NP
Bulk petroleum	NP

Key: NP = NOT PERMITTED

- E. Uses not otherwise listed within a use group. Land uses which are not contained by name or by association in the use group may be permitted upon a positive recommendation of the Building Department that such uses are clearly similar in nature and/or compatible with the listed or existing uses in that district. The Building Department may also refer a request for an interpretation to the Board of Zoning Appeals in accordance with Section 30.08.

The Building Department shall consider specific characteristics of the use in question. Such characteristics shall include, but not be limited to, daily traffic generation, types of merchandise or service provided, types of goods produced, expected hours of operation, and building characteristics.

Section 34.02 – Ancillary Uses requiring Special Land Use Approval *(added 04.06.15)*

The following uses shall be permitted as special land uses in accordance with Table 34-1, subject to the standards and requirements set forth herein and subject to the standards and approval requirements as provided in Section 30.02:

- A. Drive-Thru Uses. All drive-thru canopies and speaker boxes shall be set back no less than one hundred (100) feet from the lot line of a single-family or multi-family zoned and/or used parcel. Associated parking lots, maneuvering lanes, and drive-thru lanes shall be set back no less than fifty (50) feet from the lot line of single-family or multi-family zoned and/or used parcels. Any noise associated with a drive-thru use shall not exceed sixty (60) decibels when measured at the property line.
- B. Contractor's Equipment Storage/Storage Yards/RV Storage
 - 1. As a principal use, outdoor contractor's equipment storage yards and outdoor storage yards shall comply with the front, side and rear yard setbacks of Use Group D stated in Table 34-3.
 - 2. Outdoor storage areas as a principal use shall be completely fenced with a chain link fence at least eight (8) feet high.
 - 3. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05.
 - 4. Outdoor storage or display within the Brown Road Innovation Zone shall be located at least five hundred (500) feet from a residentially used parcel.
 - 5. The outdoor storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on a site plan as approved by the Planning Commission. The site plan shall illustrate or specify the following information, at minimum:
 - a. The exact boundaries of proposed outdoor storage;
 - b. Surfacing and drainage details;
 - c. Screening details;
 - d. Layout of outdoor storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles.
- C. Uses not otherwise listed within this Section. Special land uses which are permitted in Table 34-1 but are not specifically mentioned within this Section shall comply with the Special Land Use procedures and standards set forth in Section 30.02.
- D. Existing Special Land Uses. Existing special land uses or uses previously allowed which are now considered special land uses within the Brown Road Innovation Zone District shall, by enactment of this provision, be granted the special land use status of being uses which conform to the parking, use, setback and density provisions of this chapter and, therefore, shall not be burdened with customary nonconforming use status.

Section 34.03 – Required Conditions / Flex Zoning

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

- A. Site Plan Approval. The proprietor shall submit a site plan for approval, pursuant to the requirements set forth in Section 30.01 of the Zoning Ordinance.
- B. Schedule of Regulations. Each use within the Brown Road Innovation Zone shall comply with Table 34-3 for area, height, setback and lot coverage. The Planning Commission is authorized to consider a waiver of up to twenty percent (20%) from the Schedule of Regulations of Table 34-3 for larger-scale planned development projects with a total land area of at least ten (10) acres or for an assemblage of parcels as approved by the Planning Commission. A waiver shall only be granted if the property receiving the waiver does not adversely impact adjoining parcels, abut residentially zoned parcels, or create public safety concerns. The schedule of regulations is provided below *(amended 04.06.15)*:

**Table 34-3
Schedule of Mixed Use Regulations**

	Use Group A	Use Group B	Use Group C	Use Group D
Minimum Lot Area	12,000 sq. ft.	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Minimum Lot Width	75 ft.	90 ft.	100 ft.	150 ft.
Minimum Front Yard	30 ft.	40 ft.	40 ft.	40 ft.
Minimum Side Yard	10 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard	30 ft. (50 ft. ¹)			
Maximum Building Height	N/A		N/A	N/A

¹ Where abutting existing zoned or used residential properties which are outside of the BIZ zoning district boundaries.

- C. Height Limit. The Brown Road Innovation Zone does not contain a height limit. However, all applications for development shall be reviewed by the Building Department and/or Planning Commission for height compatibility with adjoining residential areas. Where parcels abut existing zoned residential areas, maximum height of a building shall not exceed two (2) times the setback dimension from the residentially zoned property line to the edge of the building. The Planning Commission may also require line of sight surveys, drawings, or elevations to evaluate the visual impact of buildings over five (5) stories in height. If the Planning Commission determines that line of sight is significantly impaired for adjoining residentially zoned parcels, the Planning Commission may impose a five (5) story or sixty (60) foot height limitation.
- D. Off-Street Parking.
 - 1. Parking requirements shall be based upon the following schedule:
 - a. One (1) parking space per two hundred (200) square feet of gross floor area for general retail uses, personal services, banks, offices, auto sales, etc.
 - b. One (1) parking space per one hundred (100) square feet of gross floor area for restaurants.
 - c. Parking requirements for industrial-related districts shall be based upon one (1) parking space per one thousand (1,000) square feet of gross floor area.
 - 2. The Planning Commission may, at their discretion, modify the numerical requirements for off-street parking based on evidence provided by the applicant that indicates that another standard would be more reasonable, because of the level of current or future employment, and/or the level of current or future customer traffic.
 - 3. No parking area or driveway shall be closer than thirty (30) feet to the adjacent property lines when the parcel abuts residentially zoned or used property. However, when the parcel abuts commercial/office or industrially zoned property, no parking area or driveway shall be closer than twenty (20) feet to the adjacent property lines.

4. Driveways and parking areas shall be curbed and consist of hard surfaced concrete, blacktop, or equivalent, as approved by the Planning Commission.
 5. All off-street parking shall conform to the standards set forth in Section 27.04 of this Ordinance.
 6. The required setback for parking may be reduced in width or waived by the Planning Commission, subject to landscaping or screening requirements.
- E. General Design Standards. All proposed development and construction within the Brown Road Innovation Zoning District shall comply with the following standards:
1. Development Patterns. Proposed development shall reflect characteristics and design features that are consistent with the Charter Township of Orion Master Plan. The intent of the District is to create a coordinated development pattern which provides a smooth transition between uses and properties. Transition may be created through coordination of building styles and setbacks, landscape buffers, and cross-access between properties.
 2. A mix of industrial, commercial, and other uses is allowed as long as appropriately buffered and sited.
 3. Access Management, Parking, and Loading. Overall street and/or driveway design and layout shall be an integral component of site design providing for both internal access to service the development of properties and cross-access between individual properties. Developments shall meet the access management standards set forth in Section 27.14 while , parking, and loading shall meet the standards set forth in Article 27.04. In addition, off-street parking shall be located predominantly within the side or rear yard areas, unless waived by the Planning Commission. The Planning Commission may allow parking in the front yard, subject to traffic safety, visibility, convenience, landscape buffering, or other site factors.
(amended 04.06.15)
 4. Pedestrian Pathways and Sidewalks. Emphasis shall be placed on providing a pedestrian circulation system which promotes safety and connects mixed use areas. Vehicular access and circulation shall be planned to ensure safe pedestrian movement by means of safety paths within the development.
 5. General Site Design/Architectural Guidelines. It is the intent of the District to provide an environment of high quality and complementary building architecture and site design. Special emphasis shall be placed upon methods that tend to reduce the visual impact of large buildings, to encourage tasteful, imaginative design for individual buildings, and to create a complex of buildings compatible with the Brown Road corridor. Large-format retail centers shall comply with Section 27.16.
 6. Landscaping/Greenbelts/Buffers/Screening Elements. All landscape features of the site shall conform to the requirements set forth in Section 27.05 as well as the regulations listed in Section 34.02 R.
 7. Site plan applications shall comply with the submittal requirements of Section 30.01.
- F. Sign Regulation. All signs shall comply with the standards set forth in Orion Township Sign Ordinance No. 138.
- G. Lighting Regulations.
1. A lighting plan shall be submitted with all site plans as set forth in Section 27.11 of this Ordinance. All other Zoning Ordinance regulations shall apply unless otherwise noted in this Ordinance.
 2. Exterior site lighting shall be fully shielded and directed downward to prevent off-site glare.
 3. Site illumination on properties adjacent to residential properties shall not exceed 0.3 foot-candle along property lines, or 1.0 foot-candle along non-residential property lines. Parking lot lighting shall be governed by Section 27.11.

- H. **Public Road Access.** Any use developed or proposed within this district shall have direct access to a dedicated public or private road. Access management requirements for driveways, curb cuts, and traffic shall comply with Section 27.14.
- I. **Utilities.** All utilities servicing the buildings or structures shall be buried underground.
- J. **Accessory Outdoor Storage.** Accessory outdoor storage areas shall be permitted, subject to the following (*added 04.06.15*):
1. Outdoor storage areas shall be incidental to the primary use, and shall not exceed ten percent (10%) of the principal building area, one thousand (1,000) square feet, or eight thousand (8,000) cubic feet, whichever is less. An incidental outdoor storage area which exceeds these dimensions shall be considered a special land use.
 2. Outdoor storage shall be limited to the rear yard area.
 3. Outdoor storage areas shall be completely fenced with a chain link fence at least eight (8) feet high.
 4. Outdoor storage areas shall be screened from view from all roadways. This screening shall be either opaque screening or evergreen landscape screening in accordance with the provisions set forth in Section 27.05.
 5. Outdoor storage or display within the Brown Road Innovation Zone shall be located at least five hundred (500) feet from a residentially used parcel.
 6. The outdoor storage of materials, supplies, vehicles, equipment or similar items is allowed only when such storage is specifically shown on a sketch/site plan as approved by the Zoning Administrator. The sketch/site plan shall illustrate or specify the following information, at minimum:
 - a. The exact boundaries of proposed outside storage;
 - b. Surfacing and drainage details;
 - c. Screening details;
 - d. Layout of outside storage areas, including access and maneuvering areas. Storage areas shall be marked (with striping, staking, or another method), and maneuvering lanes shall have a minimum width of twenty (20) feet, unless the applicant can demonstrate on the site plan how clear access throughout the storage area will be maintained for emergency vehicles.
- K. **Covered Trash / Recycling or Compactor Areas.**
1. Covered trash receptacles, recycling receptacles or compactors shall be surrounded on three (3) sides by masonry brick-type walls one (1) foot higher than the receptacle shall be provided in the rear yard of the building or principal use structure.
 2. The fourth side of the trash receptacle, recycling receptacle or compactor enclosure shall be equipped with an opaque lockable gate that is the same height as the brick-type wall.
 3. The Planning Commission may, at their discretion, waive the requirements for a covered trash receptacle or compactor as described herein, if, after considering the nature of the operation being proposed, the Commission determines that the amount of trash generated can be adequately disposed of without use of an outside trash receptacle or compactor.
- L. **Loading and Unloading.**
1. Loading and unloading areas shall be located in the rear or side yard of a non-residential district.

2. Loading and unloading areas shall not be located where they will interfere with parking or obstruct ingress and egress.
 3. All loading and unloading areas shall be in conformance with the requirements set forth in Section 27.04.
- M. Performance Guarantee Requirement. The Planning Commission shall require a performance guarantee to be deposited with the Township Clerk in accordance with the provisions set forth in Section 30.09, to ensure that necessary and required improvements proposed on the site plan will be completed. *(amended 08.15.16)*
- N. Building Type. All principal uses shall be contained within a free-standing building.
- O. Safety Paths. Construction of safety paths for pedestrian use and use by non-motorized vehicles shall be required in conjunction with the development of all parcels in this zoning district. The safety paths shall conform to the specifications outlined in Section 27.06 and Ordinance No. 97.
- P. Tree Preservation Regulations. The tree permit requirements apply to developments in this District, according to the terms of Section 27.12.
- Q. Wetland Setbacks. The wetland setback requirements apply to all developments in this District, according to the terms of Section 27.17.
- R. Noise. Regulations regarding the abatement and control of excessive noise are found within the Charter Township of Orion Noise Ordinance No. 135.
- S. Landscaping. Landscaping and screening shall comply with the following:
1. Landscaping Adjacent to Roads.
 - a. Where a use type A, B, or C abuts a public road, a twenty (20) foot greenbelt shall be provided with one (1) shade tree per 30 lineal feet, and one (1) shrub per ten (10) lineal feet (Figure 34.1). For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted.
 - b. Where a use type D abuts a public road, a thirty (30) foot greenbelt shall be provided with one (1) evergreen tree per fifty (50) lineal feet, one (1) flowering tree per seventy-five (75) lineal feet and one (1) shrub per ten (10) lineal feet (Figure 34.2). Outdoor storage shall be screened from views from a public right-of-way. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted.

Figure 34.1 Landscaping Adjacent to Roads – Use Types A, B, and C

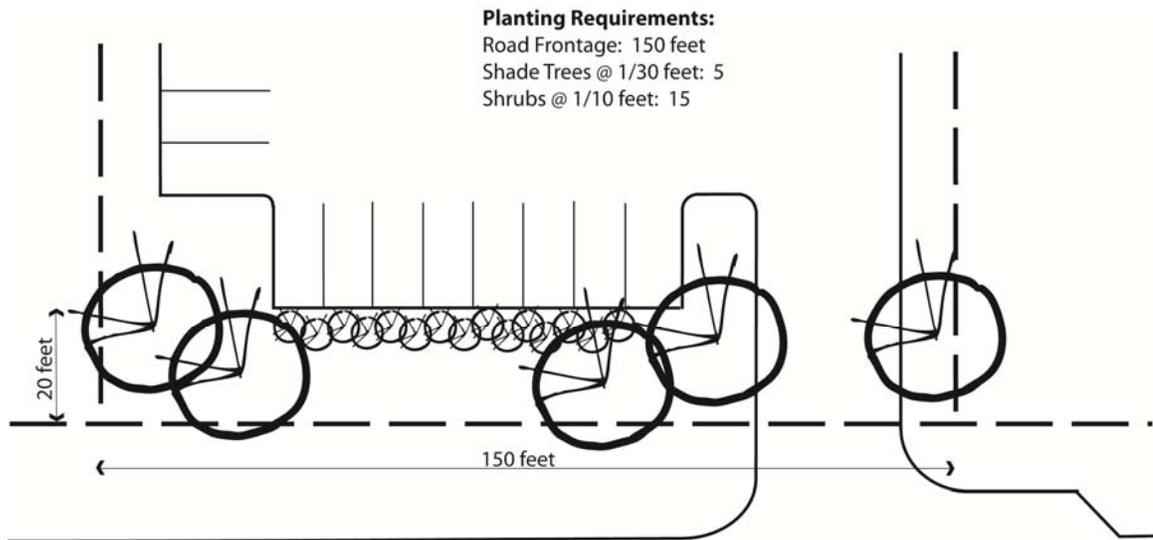
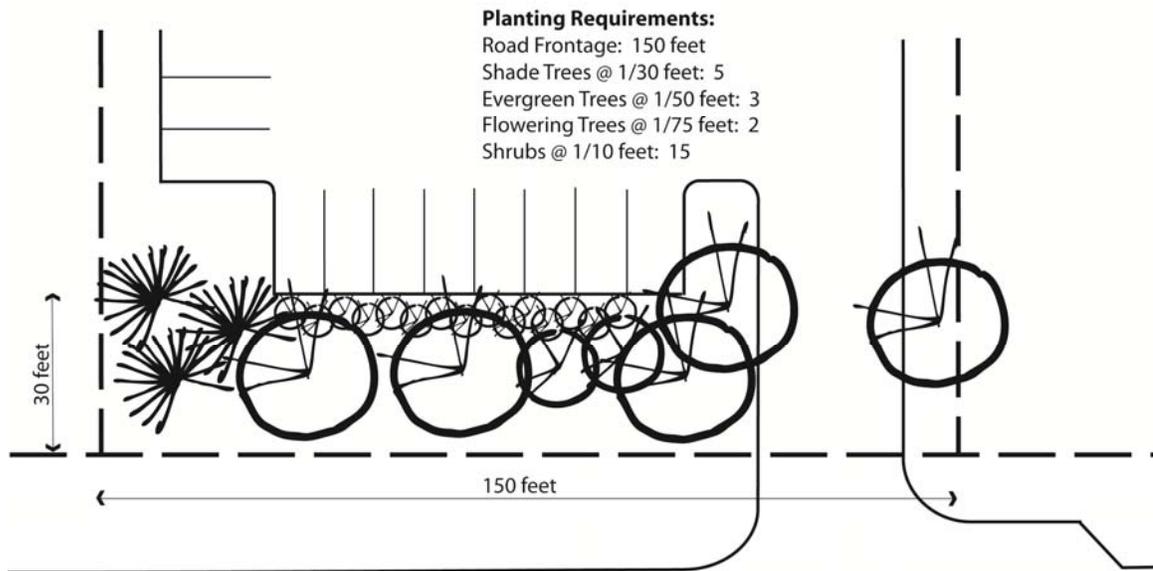


Figure 34.2 Landscaping Adjacent to Roads – Use Type D



2. Screening Between Uses.

- a. Where a residential use abuts a non-residential use, a thirty (30) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, one (1) flowering tree per seventy-five (75) lineal feet, and a combination of shrubs at one (1) shrub per five (5) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.3).
- b. Where a use type D abuts any other use type including residential, a thirty (30) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, one (1) evergreen tree per fifty (50) lineal feet, one (1) flowering tree per seventy-five (75) lineal feet, and a combination of shrubs at one (1) shrub per five (5) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.4).

- c. For screening between any other uses, a twenty (20) foot buffer shall be provided with one (1) shade tree per thirty (30) lineal feet, and a combination of shrubs at one (1) shrub per ten (10) lineal feet, wall, fence, or berm at a height of six (6) feet as approved by the Planning Commission (Figure 34.5).

Figure 34.3 Buffering between Residential and Non-residential Uses

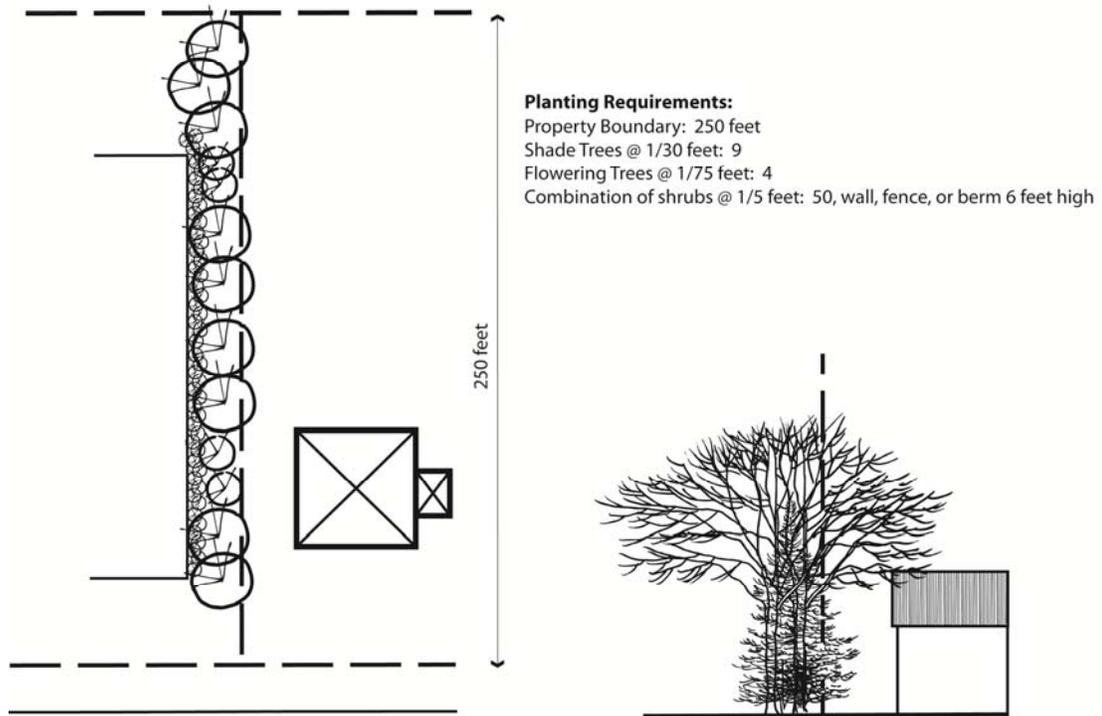


Figure 34.4 Buffering Between Use Type D and All Other Use Types

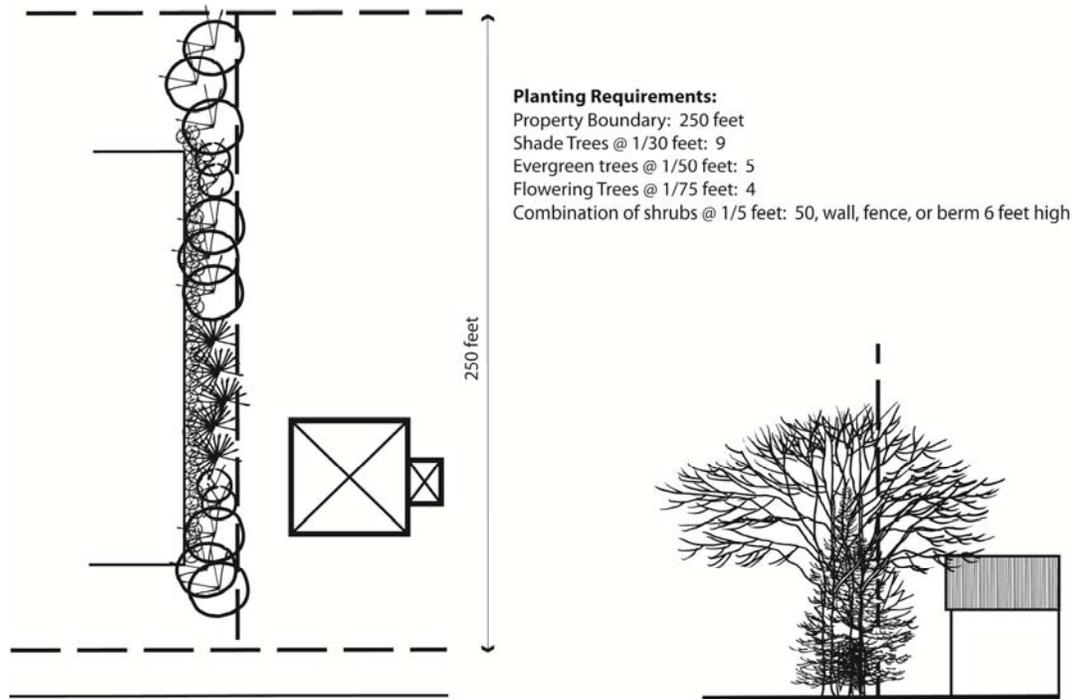
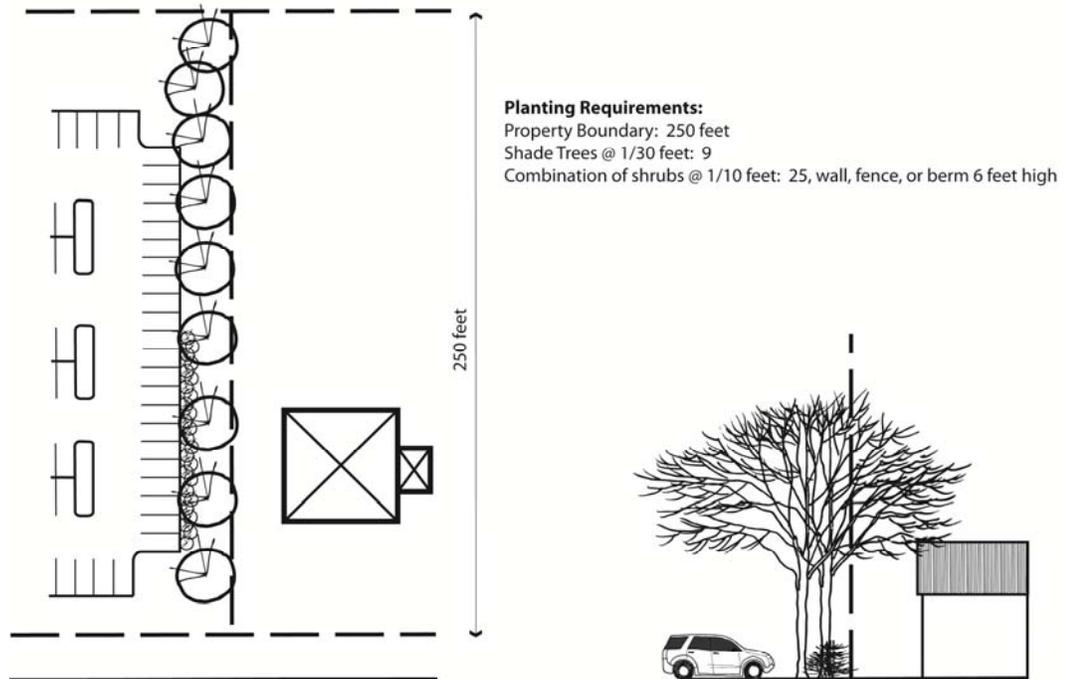


Figure 34.5 Buffering Between All Other Use Types

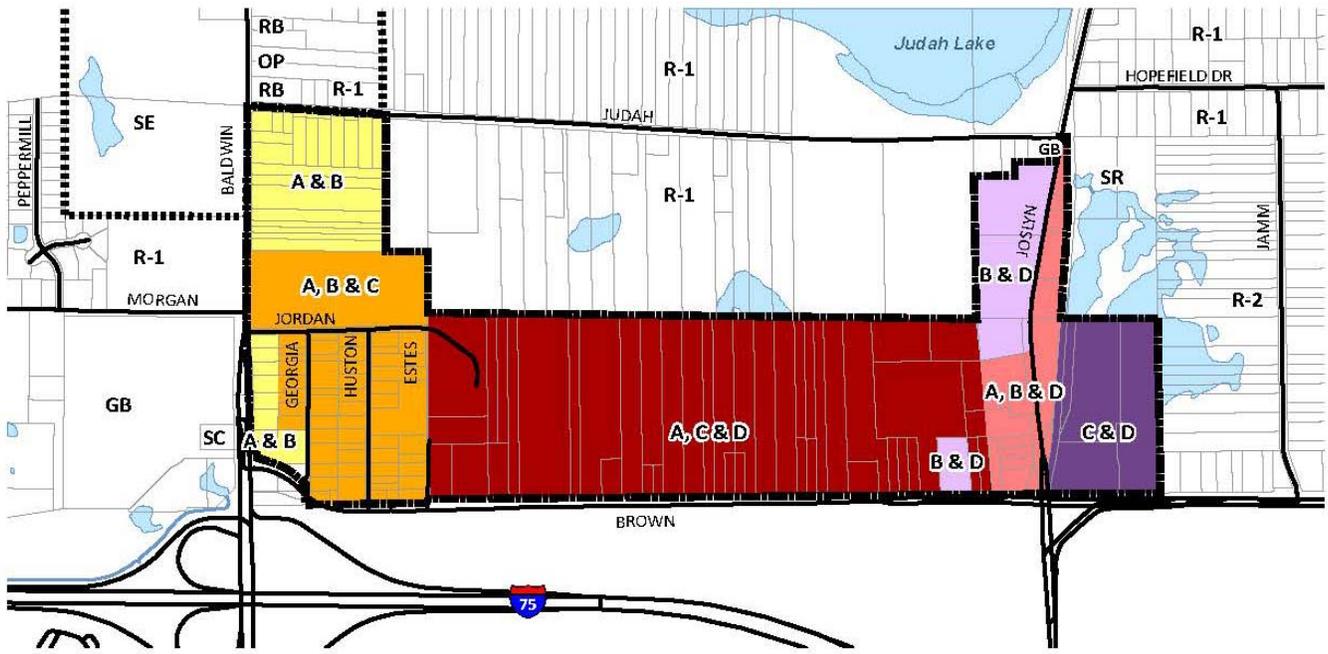


T. General Landscaping Requirements.

1. **General Site Requirements.** All undeveloped portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as greenbelts, berms, parking lot landscaping, landscaping along roadways, or screening, are required:
 - a. All undeveloped portions of the site shall be planted with grass, ground cover, landscape mulch, shrubbery, landscape stone, or other suitable live plant material, which shall extend to any abutting street pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod or hydroseeded.
 - b. Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart), which can be reasonably expected to form an eighty percent (80%) visual barrier in summer and a sixty percent (60%) visual barrier in winter, and that will be at least six (6) feet above the ground level within three (3) years of planting. Deciduous plant materials may be used, provided that an eighty percent (80%) visual barrier in summer and a sixty percent (60%) visual barrier in winter is maintained. Wherever screening is required adjacent to residentially zoned property, the screening shall be installed as soon as practicable in relation to site grading and general construction activities.
 - c. The site plan shall indicate the proposed method of watering landscaped areas. Although not required, installation of an inground irrigation/sprinkler system is encouraged, particularly in front yards.
 - d. The landscape requirements as illustrated in Figures 34.1 through 34.5 are representative. The required number of trees and shrubs may be grouped or clustered within a flexible design arrangement, as long as the minimum quantity of plant materials is provided.
2. **Landscape Material Standards.** Unless otherwise specified, all landscape materials shall comply with the following standards: Plant materials used in compliance with the provisions of this Section shall be nursery grown, free of pests and diseases, hardy in southeastern portion of the state, in conformance with the American Standards for Nursery Stock of the American Landscape and Nursery Association (formerly the American Association of Nurserymen) and shall have passed inspections required under state regulations.
3. **Modifications to Requirements.** In consideration of the overall design and impact of a specific landscape plan and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined in this Section, provided that any such adjustment is in keeping with the intent of this Section and this chapter in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:
 - a. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
 - b. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
 - c. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this Section.

U. Zoning Boundaries for the Brown Road Innovation Zone.

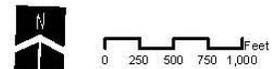
Figure 34.6 Zoning Map for the Brown Road Innovation Zone Area



BROWN ROAD INNOVATION ZONING DISTRICT

Charter Township of Orion
Oakland County, Michigan

-  Gingellville Village Center Overlay District
-  BIZ Brown Road Innovation Zone District
-  A & B (Residential/Commercial)
-  A, B & C (Residential/Commercial/Regional Commercial)
-  A, B & D (Residential/Regional Commercial/Industrial)
-  A, C & D (Residential/Regional Commercial/Industrial)
-  B & D (Commercial/Industrial)
-  C & D (Regional Commercial/Industrial)



* See Township Zoning Map for properties outside the BIZ Area.



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