



Memorandum

TO: Planning Commission, Village of Lake Orion, Michigan
FROM: Gage Belko, AICP
SUBJECT: **Article 9: MU, Mixed Use District – Draft Amendments**
DATE: April 19, 2024

BACKGROUND

The Lake Orion Zoning Ordinance provides for the MU, Mixed Use District in Article 9. Originally adopted in 2010, the MU zoned parcels are primarily located along M-24 (Broadway), with some MU parcels also abutting Atwater Street and E. Flint Street, notably the former Orion Lumber Yard.

As redevelopment has been proposed and approved on several MU zoned parcels in recent months, several discrepancies within the MU District have surfaced. As the MU District was introduced over a decade ago, with minor amendments, this is an excellent time to review Article 9 as a whole and consider any changes (a text amendment) to the code, to help drive the type of redevelopment the Lake Orion community desires and ensure consistency in application of the Ordinance. Enclosed for your reference is both Article 9 and the Zoning Map.

REVIEW OF ARTICLE 9 – MULTIPLE FAMILY USES

One aspect of the code that we are seeking clarification on is related to the use of multiple-family dwelling units. Per section 9.02(A.10), single-family and multiple-family dwelling units **are permitted when located above the ground story and subject to the ground story being only a non-residential use**. However, the Intent section of Article 9: MU – Mixed Use District (section 9.01) reads:

“...to promote compatible combinations of commercial, office, service, and residential development along M-24 south of Paint Creek to serve as a gateway into the DC, Downtown Center District. Office, commercial, and retail development should be located along M-24, with residential land uses located along the Lake to buffer existing single-family neighborhoods from the impacts of non-residential uses and M-24.

Development in this district is intended to serve the nearby neighborhoods and is not intended to be highway-oriented in scale. Parking lots should not be exposed to view from M-24 or the Lake but, should be screened from these important frontages by buildings. Site design should maintain and enhance pedestrian and/or image connectivity to the Downtown area.”

There appears to be a conflict between the intent of the district and the allowable uses; as the Code is currently written, multiple-family uses are **not a permitted use by-right** within the MU, Mixed Use District **unless located above the ground floor** (ex: a mixed-use building with retail on the first floor or a live/work unit). Recent project approvals have rendered this aspect of the Ordinance toothless and an amendment is necessary.

To achieve greater clarity, we recommend that the Planning Commission consider a text amendment that would allow for multiple-family residential-only developments by-right, without a commercial component. Multiple-family units are a suitable use and housing typology for the MU District as they promote the intent of the Ordinance, greater walkability, and a localized downtown economy.



NEXT STEPS

Should the Commission agree to proceed with the draft changes to Article 9: the MU, Mixed Use District – shown on the following pages – a motion would be appropriate at the meeting on May 6, 2024.

Sample motion: *Motion to call for a Public Hearing at the next meeting of the Planning Commission to consider text amendments to Article 9 of the Zoning Ordinance.*

Should such a motion be made, a finalized draft of revisions to Article 9 would be prepared and provided for consideration at the November Planning Commission meeting. A public hearing would be held at this time, as required, for the public to have an opportunity to comment on the proposed changes.

Respectfully,

Gage Belko, AICP
Associate Planner

cc. Darwin McClary, Village Manager
Sonja Stout, Village Clerk



EXISTING ORDINANCE WITH TRACKED CHANGES

Following is the entirety of Article 9, with additions identified in red and omissions identified in red strikethrough. Highlighted text simply denotes a reference, related to the proposed changes, that enhances clarity.

ARTICLE 9 MU – MIXED USE DISTRICT

SECTION 9.01 - STATEMENT OF PURPOSE

The MU, Mixed Use District is intended to promote compatible combinations of commercial, office, service, and residential development along M-24 south of Paint Creek to serve as a gateway into the DC, Downtown Center District. Office, commercial, and retail development should be located along M-24, with residential land uses located along the Lake to buffer existing single-family neighborhoods from the impacts of non-residential uses and M-24.

Development in this district is intended to serve the nearby neighborhoods and is not intended to be highway-oriented in scale. Parking lots should not be exposed to view from M-24 or the Lake, but should be screened from these important frontages by buildings, structures, and/or appropriate landscaping. Site design should maintain and enhance pedestrian and/or image connectivity to the Downtown area.

SECTION 9.02 - PERMITTED USES

A. Principal Permitted Uses and Structures

In the MU District, the following uses are permitted subject to the standards listed in Section 9.03.C.

1. Banks, savings and loans, or other types of financial institutions.
2. Any retail business whose principal activity is the sale, rental or servicing of merchandise within a completely enclosed building.
3. Standard restaurants and carry-out restaurants, including coffee shops, with or without outdoor seating areas, subject to the following:
 - a. Pedestrian circulation and access to building entrances (both on and off site) shall not be impaired.
 - i. A clear path with a minimum width of six (6) feet leading to the entrance to the establishment shall be maintained free of tables and other encumbrances.
 - ii. A minimum of five (5) feet of clear sidewalk space shall be maintained between the curb and any outdoor seating area.
 - b. The outdoor seating area shall be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Preparation of food and beverages is prohibited in the outdoor seating area.
 - c. Tables, chairs, planters, waste receptacles, and other elements of street furniture shall be compatible with the architectural characteristics of the building, subject to Planning Commission approval.
4. Grocery stores, convenience stores, meat markets, bakeries, and other establishments whose principal activity is the sale of food not meant for consumption on the premises.
5. Health clubs and spas.



6. Personal service establishments, including beauty and barber shops, shoe repair, tailors, self-service laundries, dry cleaning establishments and other similar uses.
7. Music, art, dance, or photography studios or galleries or similar uses.
8. Offices, including medical and dental, business, professional and governmental.
9. Publicly owned and operated buildings, libraries, parks and recreation facilities, municipal buildings, facilities and uses.
10. ~~Single family and~~ Multiple family dwelling units, subject to the design standards of Section 9.03.C. ~~when located above the ground story and subject to the ground story being only non-residential use.~~

B. Permitted Uses After Special Land Use Approval

In the MU District, the Planning Commission may permit the following uses in accordance with the procedures and discretionary standards of Article 19 and the standards below:

1. Public utility buildings (telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including service or storage yards) when operating requirements necessitate locating in the district to serve the immediate vicinity and subject to the following requirements:
 - a. No outside service or storage yard shall be permitted.
 - b. All such uses shall be enclosed either by a six (6) foot high decorative masonry wall or by a fence with dense, evergreen screening landscaping provided to form an opaque screen to a height of six (6) feet at planting.
 - c. All lines serving such sites shall be underground. Overhead transmission lines and tower structures are expressly prohibited.
2. Veterinary hospitals and clinics, subject to all associated activities being conducted within an entirely enclosed building.
3. Motels and hotels.
4. Drive-through restaurants, drive-in restaurants, fast-food restaurants and restaurants with play equipment, subject to the following requirements:
 - a. The principal and accessory buildings shall be set back a minimum of 30 feet from any adjacent residential zoned lot line.
 - b. Public access to the site shall be located at least 50 feet from any intersection (as measured from the nearest right-of-way- line to the edge of said access).
 - c. Screening shall be provided adjacent to residential districts and uses in accordance with Section 15.02.E.
 - d. The drive-through service speaker location and/or amplification shall not cause noise that is audible from adjacent residences.
5. Entertainment and recreational uses, including public or private lodges, community centers, and rentable halls, subject to the following requirements:



- a. Setbacks greater than the district minimums may be required. All setbacks shall be reviewed by the Planning Commission for compatibility with adjacent land zoned or used for single family residential purposes. In order to mitigate potential impacts and achieve compatibility, the Commission may require landscaping, screening walls and Village of Lake Orion, MI Zoning Ordinance 60 fences, rearrangement of uses, greenbelts, and other means deemed necessary in its determination.
- b. Whenever off-street parking areas are adjacent to land used or zoned for residential purposes, screening shall be provided in accordance with Section 15.02.E.
- c. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members, or as modified by the Planning Commission.

6. Single family detached dwelling units, subject to the design standards listed in Section 9.03.C.

7. Places of worship, subject to the following conditions:

- a. The lot location shall be such that at least one (1) property line abuts a collector street, intermediate thoroughfare, or major thoroughfare. All ingress and egress to the lot shall be directly onto said street.
- b. Off-street parking which abuts a single family residential district shall be screened in accordance with Section 15.02.

8. Bed and breakfast facilities, subject to the following requirements:

- a. One (1) parking space shall be provided for each guest sleeping room.
- b. A bed and breakfast shall have a maximum of six (6) rooms available for rent.
- c. No guest or patron shall stay on the premises for more than 14 consecutive nights.
- d. The site shall be designed and operated so as to not have adverse impacts on the surrounding neighborhood.

9. Marinas, boat liveries and boat docks subject to the following requirements:

- a. Docking space shall be limited to a maximum of one (1) boat per 15 feet of lake frontage.
- b. The Commission may require landscaping, of immediate effect, including evergreens or similar plant material not less than eight (8) feet in height to mitigate potential negative visual impacts on adjacent properties.
- c. A minimum of one parking space shall be provided for each slip or mooring space. Additional parking space lengths to accommodate boat trailers and related equipment shall be provided for marinas with a boat launch.
- d. Repair of dismantled equipment including, but not limited to boats and motors, and storage of boats, boat parts, racks, lumber, and marine related equipment must be in a completely enclosed building when not in water.
- e. Hours of operation may be limited by the Planning Commission to avoid negative impacts of noise and glare, if the use is located adjacent to residentially zoned property.
- f. A permit to establish, maintain or operate a marina shall be secured from the Michigan Department of Environmental Quality, in conjunction with any approval.



10. Bars and entertainment restaurants, subject to conditions established by the Planning Commission for the property and proposed use that are designed to avoid, minimize or control adverse off-site impacts to lawful adjoining or nearby uses from noise, hours of operation, foot and vehicle traffic, maximum permitted occupancy, the nature, number and location of devices that emit sound such as speakers and televisions, and the nature of entertainment and other activities associated with and expected from the proposed use.

11. Adult regulated uses, subject to the restrictions listed in Section 13.29.

12. Wireless communication facilities, only as may be permitted under the provisions of Section 13.25.

13. Child care centers and group child care homes, as defined in “Residential Care Facilities” in Section 2.02., subject to the following requirements:

a. No dormitory facilities are permitted. Such facilities shall not exceed 16 hours of operation during a 24-hour period. The Village may place limits on the operation of such facilities between the hours of 10:00 p.m. and 6:00 a.m.

b. An outdoor play area shall be provided, equipped and maintained on the premises which contains a minimum of 100 square feet of usable outdoor play area per child at the maximum licensed capacity of the facility (minimum total area of 1,500 square feet of outdoor play area per facility).

c. The outdoor play area shall be fenced in or screened by a heavily planted greenbelt from any abutting residential uses. Fencing shall be decorative, as determined by the Planning Commission.

d. Adequate ingress, egress, and circulation shall be provided. Vehicles must be able to easily circulate within and through the site to a designated pick-up/drop-off area without obstructing traffic on nearby roads.

e. The facility shall not be located closer than 1,500 feet to any of the following:

i. Another group child care home or child care center.

ii. An adult foster care small group home or large group home.

iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Michigan Public Health Code.

iv. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

C. Permitted Accessory Uses and Structures

Accessory buildings, structures or uses customarily incidental to any of the principal permitted uses in the MU District.

SECTION 9.03 - DEVELOPMENT STANDARDS

A. Site Plan Review

Site plan review and approval is required for all uses in the MU District in accordance with the requirements of Article 19 of this Ordinance. However in a shopping center or multi-tenant building, a change of a use permitted by right to another use permitted by right in the MU District may be permitted without submission of a full site plan in accordance with the requirements of Section 19.02.B.

B. Area, Height, Bulk and Placement Regulations



Buildings and uses in the MU District are subject to the area, height, bulk and placement requirements in Article 12, Schedule of Regulations.

The following table summarizes the regulations in Article 12.

Maximum Building Height ²	36 ft.
Minimum Setbacks	
Front (minimum)	10 ft.
Front (maximum)	10 ft.
Water	25 ft.
Side ¹	0 ft.
Rear	25 ft.
Side Street	10 ft.
Maximum Lot Coverage	50%

¹ 20 ft. if abutting a residential district

² Building height may be increased to a maximum of 42 ft. subject to special land use review and approval. The number of stories shall not exceed 3.

C. Design Standards

The following design standards shall apply to all new construction in the MU District:

1. Site Layout/Uses.

- a. It is the intent of the MU district to promote nonresidential (commercial, office and service) land uses along M-24, and residential land uses to buffer the Lake and existing residential neighborhoods from the impacts of nonresidential commercial development and M-24.
- b. New development should be walkable, and should include pedestrian connections to the Downtown Center district as well as nearby neighborhoods.
- c. Drive-in or drive-through establishments shall not be permitted on sites that have frontage on the Lake.

2. Parking.

- a. The minimum number of parking spaces required on a site shall be the sum of all of the individual uses as required in Article 14.
- b. Parking areas should be located in the middle of sites, and must be screened from view from M-24 and/or the Lake by buildings and/or landscaping.

3. Building Design.

- a. All buildings along the street frontage of the parcel shall have a primary entrance or entrances on the façade facing the street. All primary entrances must be accessible to pedestrians. Primary entrances should be highlighted through the incorporation of architectural features such as canopies, awnings,



porticos, raised cornice parapets over the doors arches, large windows, or architectural details such as tile work and moldings that are integrated into the building structure and design.

b. Building materials used on exteriors of new buildings shall be appropriate for the character and size of the proposed building, and shall complement the materials used on surrounding buildings and in the Village Downtown. Brick, stone, integrally colored architectural block are preferred building materials. Clapboard materials such as cement siding (“Hardy Plank” or similar) and shake shingles are encouraged as accent building materials. E.I.F.S. and metal may be acceptable as accent materials only, and should not comprise more than 20% of the wall area of any façade. Vinyl or metal siding is discouraged.

4. Maximum First Floor Area. The maximum first floor area for any use, including freestanding structures and any individual tenant in a multi-tenant retail or office facility in the MU district shall be 12,500 square feet.

5. Common Area. All developments in the MU district shall provide a minimum of 10% of the lot area as site amenities over and above the minimum landscape and open space requirements of this Ordinance. Such site amenities may be in the form of pocket parks, green areas, plazas, pedestrian walkways, expanded landscape areas and buffers, cross access provisions, decorative water features and similar features in the determination of the Planning Commission.

6. Cross Access. All developments in the MU district shall permit pedestrian and vehicle cross access for adjacent MU sites. A cross-access agreement shall be submitted, pursuant to Section 13.17. Cross access connections for vehicles should generally be located in parking areas.

7. Residential Dwelling Units.

a. Single family dwelling units shall have a minimum floor area of 900 square feet.

b. Residential density in areas of the site dedicated solely to residential land uses shall be as permitted in the RM District., based on that area of the site dedicated solely to residential use.

d. Multiple family dwelling units proposed ~~on the second floor of~~ within a mixed-use building, shall be located above the ground floor, with non-residential uses below, and shall ~~be permitted~~, not to exceed ten (10) dwelling units per acre of lot area.

8. Pedestrian Connectivity. Sidewalks and other pedestrian connections shall be provided within and between sites in the MU district. Pedestrian connections should also be provided between developments in the MU district and the Downtown Center district.

D. Environmentally Sensitive Design

Sites shall incorporate environmentally sensitive design in order to protect and enhance water quality, the terrestrial environment, community and environmental health, and the general public welfare. Consideration will be given during the site plan review process to encourage design and construction that furthers the implementation of recognized sustainable and green design, without detracting from the other purposes of this Zoning Ordinance.

Plans shall include, as determined feasible by the Planning Commission, reduction of impervious surfaces, shared parking, use of permeable paving, minimization of building footprint size, building orientation to optimize natural light penetration into the building, landscaping for groundwater recharge, tree preservation, use of native species in landscaping, green roof technology, and similar practices.