

ARTICLE 26

USE STANDARDS

SECTION 26.01. Intent and Scope of Regulations

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site and use standards specified, in addition to applicable standards and requirements for the district where the use is located. These standards are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the Township as a whole.

Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this Article shall be subject to all applicable yard, bulk, and other standards for the district in which the use is located.

SECTION 26.02. Organization

For the purposes of clarity and ease of use, the provisions of this Article have been organized into the following divisions:

SECTION 26.100 RESIDENTIAL USES

SECTION 26.200 OFFICE, SERVICE, AND COMMUNITY USES

SECTION 26.300 COMMERCIAL USES

SECTION 26.400 INDUSTRIAL, RESEARCH AND LABORATORY USES

SECTION 26.500 OTHER USES

SECTION 26.100 RESIDENTIAL USES

Section 26.101. Bed and Breakfast Establishments

A. Purpose and Intent.

The purpose of this section is to enable owner occupants of single family detached dwelling units to conduct bed and breakfast operations. It is the intent of the Township to permit the establishment of such operations when developed in a way which emphasizes the protection of neighborhoods, with the provision of standards that prohibit nuisance and detrimental change in the single family character of any site proposed for a bed and breakfast operation. Bed and Breakfast Establishments shall be permitted provided the following provisions are met:

1. The residence shall be the principal single family detached dwelling unit on the property and shall be owner occupied at all times.
2. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed or significantly remodeled or altered for rental purposes.
3. The maximum stay for any guest of a bed and breakfast operation shall be fourteen (14) days.
4. Paved parking shall be provided at a ratio of one (1) parking stall for each sleeping room of the bed and breakfast operation in addition to those required for the residential use. Such parking shall not be located in any front or, required side or rear yard except that the Planning Commission may allow parking in the front yard if the location and development of such parking is determined by the Planning Commission to be compatible with the residential character of the neighborhood.
5. Occupancy of any bed and breakfast operation shall be limited to five (5) or fewer persons, and the use shall be further limited to not more than two (2) rental sleeping rooms.
6. Each operator of a bed and breakfast establishment shall keep a list of names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by Township officials at any time.
7. Meals shall be served only to residents and overnight guests and meals to guests shall be limited to coffee, tea, milk, juice and commercially prepared baked goods. There shall be no separate cooking facilities for bed and breakfast guests.
8. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for each additional occupant to a maximum of four (4) occupants per room. At no time shall a bed and breakfast operation utilize more than twenty-five (25%) percent of the total floor area of the dwelling excluding attached garages, porches and unfinished basements. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm.
9. One sign with a maximum area of four (4) square feet in area may be permitted on the premises. Such sign may be either a wall sign or a freestanding ground sign. A ground sign shall not exceed six (6') feet in height and shall be set back a minimum

of fifteen (15') feet from the setback line. If such a sign is to be illuminated, the illumination shall be by an external incandescent light source only. Internally lit signs shall be prohibited.

10. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premise.
11. Bed and breakfast operations shall not be permitted on any premises where there exists any violation of the Commerce Charter Township Code or any Township Ordinance or in any building or on any parcel of land which does not conform to the requirements of the Zoning Ordinance and adopted Construction Codes.

Section 26.102. Equestrian Trails

- A. Equestrian trails shall be subject to the following site size and setback requirements:
 1. Minimum site size shall be three hundred acres that are contiguous and available for the user. Subject further to the following conditions:
 - a. Bridle paths, and all other riding areas, shall be within the confines of the proposed property.
 - b. Any paddock, or instruction area, shall be at least two hundred (200') feet from any residential dwelling units on abutting parcels or lots and shall be adequately treated so as to prevent dust from leaving such areas and crossing a property line.
 2. Floodlights or any other source of artificial lighting provided to facilitate night riding activities shall be properly shielded or directed away from residences or abutting properties. Hours and dates of operations under conditions requiring the use of such lighting shall be specified on the site plan for approval by the Planning Commission.
 3. The minimum setback of parking and activity areas from land zoned or used for residential purposes shall be as listed below:
 - a. Parking areas shall be fifty (50) feet.
 - b. Stables, barns, and other similar buildings shall be five hundred (500) feet.
 - c. All other activity areas shall be one hundred (100) feet.

Section 26.103. Family Day Care Homes

- A. Family Day Care Homes shall be permitted subject to the following provisions:
 1. Such uses shall be duly registered by the State of Michigan department or authority having jurisdiction.

2. Parking or storage of any vehicle bearing any advertising for, or identification of, the Family Day Care Home on the premises is prohibited.
3. Such uses shall have and shall maintain a fenced outdoor play area equal to one hundred (100) square feet for each child cared for at the facility.

Section 26.104. Group Day Care Homes

- A. Group Day Care Homes shall be permitted subject to the following provisions:
1. Such uses shall be duly licensed by the State of Michigan department or authority having jurisdiction.
 2. Such uses shall have and shall maintain a fenced outdoor play area equal to fifty (50) square feet for each child cared for at the facility.
 3. Off-street parking shall be developed and maintained as provided in Article 28 of this Ordinance and to provide adequate onsite parking for employees and waiting space for parents for drop off and pick up and shall be arranged to allow maneuvers without creating a hazard to traffic flow on the public street. The Planning Commission may require, as a condition of special land use approval, on-site inspections to ensure that this provision is met. Any violation of this provision shall be grounds to revoke the special land use/site plan approval. Parking shall not be located in any front or required side or rear yard, except that the Planning Commission may allow parking in the front yard if the location and development of such parking is determined by the Planning Commission to be compatible with the residential character of the neighborhood.
 4. The front yard shall not be used to satisfy the requirement for outdoor play area and shall not be subject to the above noted screening requirement(s). Additionally, front yards shall not be used for any type of outdoor play.
 5. An “A” type bufferyard as defined in Article 29 of this Ordinance shall be provided between the Group Day Care Home and the adjacent residentially zoned property along the sides and rear property line, in the rear yard only unless such adjacent property is occupied by a nonresidential land use. In lieu of a bufferyard, a 6 foot high opaque, wood or masonry privacy fence or screen wall may be installed.
 6. The licensee shall occupy the dwelling as a residence.
 7. Any type of signage is prohibited.
 8. The hours of operation shall be limited to the period between 6:00 a.m. to 7:00 p.m. and the licensee shall provide the Township with a schedule for drop off and pick up times.
 9. The property shall be maintained to be consistent with the characteristics of the neighborhood

Section 26.105. Home Occupations

A. Home occupations, as defined in this Ordinance, on a limited basis will be allowed provided that:

1. No person other than members of the family residing on the premises shall be engaged in the home occupation.
2. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building.
5. There shall be no sales of goods on the premises in connection with such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the road and other than in a required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference on another lot or in another dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

Section 26.106. Multiple Family Dwellings and Developments

A. Multiple-family dwellings and developments shall be subject to the following:

1. Building Features
 - a. Side and rear facades. Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
 - b. Roof. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing.

- c. Maximum building length. No building shall exceed 180 feet in length.
- d. The maximum height shall be 35 feet or 2 ½ stories.
- 2. **Road design and circulation.** Road design and vehicular circulation within a multiple family development shall be subject to the following:
 - a. All interior roads, drives, and parking areas shall be hard surfaced with concrete curbing and stormwater drainage systems designed to contain stormwater within the site, in compliance with Township engineering standards.
 - b. No dead-end road shall be more than 300 feet in length and a suitable turning space shall be provided for vehicles at the terminus of all dead-end streets.
- 3. **Emergency access.** Dual paved access throughout a multiple-family development shall be required. A boulevard with a minimum 25 foot wide median strip may be used for dual access. Emergency accessways shall not have locked gates or barricades that would impede emergency access.
- 4. **Pedestrian circulation.** Sidewalks shall be provided in accordance with the Township sidewalk standards.
- 5. **Parking.** All off-street parking spaces must be screened from abutting public streets and single-family residential uses per Article 29 (Screening and Landscape Requirements).
- 6. **Outdoor recreation.** Passive or active outdoor recreation facilities shall be provided in accordance with the following standards:
 - a. Recreation facilities may include outdoor seating (provided there is not spectator seating), playgrounds, swimming pools, walking paths and other recreational elements designed for the intended residents of the development.
 - b. Outdoor recreation areas shall occupy a minimum of fifteen percent (15%) of the gross lot area. The Planning Commission may waive this requirement upon determination that adequate public or private recreation facilities are available to serve the intended residents.
 - c. Such areas shall be physically accessible to residents, and shall not be located within any required yard setbacks or building separations.
- 7. **Utilities.** All multiple-family dwellings shall be connected to publicly owned and operated water and sanitary sewer systems.
- 8. **Storage.** Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved site plan. Such areas shall be screened per Article 29 (Screening and Landscape Requirements).

9. **Setbacks and Building Separation.** Buildings shall be set back a minimum of 50 feet from the boundary of any abutting R (Single Family Residential) District. Separation distance between multiple family buildings within a development shall be subject to the following:

Building Relationship	Minimum Building Separation
Front to Front	70 feet
Front to Side	45 feet
Side to Side	30 feet
Side to Rear	45 feet
Front to Rear	60 feet
Rear to Rear	60 feet

Section 26.107. Private Recreational Facilities within Residential Subdivisions

A. The following not-for-profit, private recreational facilities may be permitted within principally permitted residential subdivisions or principally permitted residential condominium developments: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc), provided there is no spectator seating; swimming pools and related facilities; boat launch facilities; beach facilities; and stables, provided the following conditions are met:

1. The facilities shall be limited to use by residents of the subdivision or condominium served thereby; and, adequate off-street parking shall be provided.
2. Front, side and rear yards shall respectively be at least fifty (50') feet wide and shall be landscaped in trees, shrubs, grass and other ground cover and berms. All such landscaping shall be maintained in a healthy condition.
3. All lighting used to light the grounds shall be shielded to reduce glare and shall be so arranged as to direct the light away from all residential lands which adjoin the site.
4. Whenever parking is laid out to beam automobile headlights toward residentially zoned land, an obscuring wall or fence, or an obscuring coniferous planting six (6') feet in height, shall be provided along that entire side of the parking area.
5. Whenever a swimming pool is involved, said pool shall be provided with a protective fence six (6') feet in height and entry shall be provided by means of a gate or turnstile.
6. Areas designated for the purpose of feeding horses, excluding grazing areas, shall be confined to the site and located at least one hundred (100') feet from the perimeter of the site.

7. No amassing of manure, or odor or dust-producing substances, or any use producing odor or dust, shall be permitted within one hundred (100') feet of any property line.

Section 26.108. Private Stables

A. Private stables shall be subject to the following requirements:

1. Areas designated for the purpose of feeding horses, excluding grazing areas, shall be confined to the site and located at least one hundred fifty (150') feet from the perimeter of the site.
2. No amassing of manure, or odor or dust-producing substances, or any use producing odor or dust, shall be permitted within one hundred fifty (150') feet of any property line.

Section 26.109. Public Stables and Riding Academies

A. Public stables and riding academies shall be permitted as a special land use only in a R-1A zone district, provided the following conditions are met:

1. Public stables and riding academies may be permitted only on parcels of land that contain no less than thirty (30) contiguous acres in area.
2. Bridle paths, and all other riding areas, shall be within the confines of the proposed property.
3. The stable and any other outbuildings shall be set back a minimum of one hundred fifty (150') feet from any side or rear property line.
4. Any paddock, or instruction area, shall be at least two hundred (200') feet from any residential dwelling units on abutting parcels or lots and shall be adequately treated so as to prevent dust from leaving such areas and crossing a property line.
5. Ingress and egress to the stable area shall be provided solely through the parcel in question, which shall abut a public right-of-way with an existing or proposed right of way of one hundred twenty (120') feet or greater.
6. Adequate off-street parking facilities shall be provided on the site located at thirty (30') feet from the perimeter of the site and screened by a type "A" bufferyard (see Article 29 for requirements).
7. Pastures and other areas designated for the purposes of feeding horses shall be confined to the site and located at least one hundred (100') feet from any residential dwelling unit on abutting property.
8. No amassing of manure or odor producing substances shall be permitted within one hundred fifty (150') feet of any property line. Such areas shall be treated so as to

limit odors and control flies, other insects and vermin. The site plan shall indicate the location of such areas, amount of materials to be kept in such areas, odor suppression and insect control techniques to be utilized and the method of dispersal of odor producing materials, all of which must be approved by the Planning Commission as part of the Special Land Use and Site Plan approval.

9. At no time shall the number of horses stabled or boarded on the property exceed one (1) for each acre of land area approved for this use; except that when the horses are maintained in individual stalls for a least 16 hours per day and, the character and intensity of the use is such that a higher density of horses is compatible with the proposed operation and surrounding area and, the site is in reasonable proximity to state owned recreation lands, the Planning Commission may allow additional horses not to exceed two (2) per acre.
10. Floodlights or any other source of artificial lighting provided to facilitate night riding activities shall be properly shielded or directed away from residences or abutting properties. Hours and dates of operations under conditions requiring the use of such lighting shall be specified on the site plan for approval by the Planning Commission.
11. Due to the evolving character of Commerce Township toward continuing residential growth, land uses in this category are considered transitional and any permit for such a use shall be limited to a period of years not to exceed ten (10). Such permits may be extended after a public hearing for additional periods of up to ten (10) years at the discretion of the Planning Commission.
12. Upon any verified complaint involving any violation of this or the Commerce Charter Township Code or any other Township Ordinance, the Building Director may request a hearing before the Planning Commission for the revocation of the Special Land Use approval. Notice of any such hearing shall be according to the procedures specified for Special Land use hearings.

Section 26.110. Senior Housing

A. Senior housing shall be subject to the following regulations:

1. **Intent.** It is the intent of these regulations to permit the development of senior housing in the Township upon determining that the location, size, design, and operating characteristics of the use will be compatible with the surrounding neighborhood. In making this determination, consideration shall be given to the scale, coverage, and density of development; to the availability of utilities and services; to the generation of traffic and capacity of surrounding roads; and to other relevant impacts.
2. **Minimum Site Size.** The minimum site size for a senior housing development shall be based on compliance with setbacks, maximum coverage, parking, open space, and other requirements set forth herein.

3. **Project Density.** The number of dwelling units within the facility shall not exceed twelve (12) units per net acre for senior apartments, congregate housing and other types of independent living, and twenty-four (24) units per net acre for assisted living and other types of dependent living.

Wetlands on the site may be counted as part of the net acreage for the purposes of determining project density. However, the overall density on the upland portion of the site, together with the wetlands-related density, shall not exceed 130% of the density allowed on the upland portion alone.

4. **Setbacks.** The minimum setbacks for senior housing shall be as follows:
- a. Front: 40 feet from the planned right-of-way line, except in the Overlay Districts, where the senior housing shall comply with the minimum front setback specified in the Overlay District.
 - b. Each Side: 30 feet
 - c. Rear: 30 feet
5. **Spacing between Buildings.** The minimum spacing between buildings shall be in accordance with the following requirements:

Building Relationship	Minimum Building Separation
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Side to Side	20 feet
Front to Side	50 feet
Rear to Side	50 feet

6. **Minimum Floor Area Per Unit.** The minimum floor area per dwelling unit shall be as follows:

Type of Unit	Independent Living (including senior apartments and congregate housing)	Dependent Living (including assisted living)
Studio or Efficiency	450 sq. ft.	325 sq. ft.
1 bedroom	600 sq. ft.	425 sq. ft.
2 bedroom	800 sq. ft.	600 sq. ft.
3 or more bedrooms	800 sq. ft. + 150 sq. ft for each additional room over four	600 sq. ft. + 150 sq. ft for each additional room over four

7. **Building and Site Design.**

- a. **Building Length.** The maximum permitted building length along any one continuous plane is 180 feet. A continuous plane is defined as an uninterrupted wall, without breaks or corners, other than architectural features customarily found, such as porches, bay windows, projections and/or recesses. A building that turns a corner of at least a 90 degree angle shall be considered to “end” at that corner. The length may be increased to a maximum of 225 feet if the following conditions are met:
- i. Building height cannot exceed one story or 20 feet as defined in the Zoning Ordinance; and
 - ii. At least three different, high quality materials shall be used on such elevation. High quality materials are defined as brick, stone, fieldstone, marble, granite, cedar shake, hardi plank or other cementitious based siding; and
 - iii. All such elevations shall have at least five different design features to break up the wall plane; buildings over 50,000 square feet shall have at least seven different design features and buildings over 100,000 square feet shall have at least nine different design features. The following are examples of the types of design features that shall be utilized:
 - 1. Horizontal offsets,
 - 2. Recesses or projects of at least 2’,
 - 3. Porches,
 - 4. Awnings,
 - 5. Vertical “elevation” offsets, such as columns,
 - 6. Decorative cornices,
 - 7. Cupolas,
 - 8. Window shutters,
 - 9. Decorative brick work such as soldier courses, quoined corners, etc...
 - 10. Arches,
 - 11. Outdoor patios,
 - 12. Architectural details such as tile work or moldings incorporated into the façade,
 - 13. Bay/garden windows,
 - 14. Integrated planters,
 - 15. Dormers,
 - 16. Canopies,
 - 17. Similar design features approved by the Township Planner.

Each of the above features count as one, even if used multiple times. Symmetry and consistency is encouraged.

- b. **Building Articulation.** Building facades of greater than one hundred (100) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.
 - c. **Roof.** Roofs shall be sloped with a pitch of no less than 5:12. There shall be variations in roof lines to reduce the scale of the building and to add interest.
 - d. **Sidewalks.** Sidewalks shall be provided from the main building entrance(s) to parking areas and to sidewalks along adjacent public or private roads.
 - e. **Resident Access.** The pick-up/drop-off of residents shall be provided at the front entrance of the building with a covered canopy.
8. **Building Height.** The senior housing facility shall comply with the maximum building height for the district in which it is located.
9. **Maximum Coverage.** The maximum coverage of the site by buildings shall be limited to thirty percent (30%) of the net site area (not including planned right-of-way).
10. **Parking.** Parking for senior housing shall comply with the following requirements:

Use	Required Number of Parking Spaces per Unit of Measure*
Senior Apartments	2 spaces per Dwelling Unit
Dependent Living, Assisted Living	One (1) per four (4) units, plus one (1) per employee based on the greatest number of employees in any one shift
Congregate Care	One (1) per two (2) units, plus one (1) per employee based on the greatest number of employees in any one shift
Independent Living	One (1) per unit, plus one (1) per employee based on the greatest number of employees in any one shift

* The Planning Commission may reduce the parking requirements set forth in this table if the applicant provides credible evidence that fewer spaces are needed due to, for example, the operation of a transportation system for residents.

- 11. **Loading.** Loading areas shall be located to the side or rear of the building being served such that it is screened from view from adjoining roads and adjacent residential area.
- 12. **Vehicular Access.** All vehicular access to the site shall be from a paved collector or primary road. The Planning Commission may allow secondary access from local

streets upon making the determination that such access will not create or exacerbate traffic congestion or create unsafe traffic or pedestrian conditions. Vehicles must be able to easily circulate within and through the site to designated pick-up/drop-off areas with impeding circulation on the site or traffic on adjacent roads.

13. **Open Space.** Common outdoor landscaped open space shall be provided for residents, subject to the following:
 - a. Landscaped open space for residents shall constitute a minimum of fifteen percent (15%) of the total site. Enclosed courtyards may be counted as landscaped open space.
 - b. Recreation facilities including paved walkways and covered sitting areas shall be provided in a manner that meets the needs of the resident population.
 - c. Road rights-of-way, required setback areas, and access drives shall not be counted as required landscaped open space. Ten percent (10%) of the submerged land areas of a pond, lake, or stream, and wetlands may be counted as required landscaped open space.
14. **Lighting.** All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the safety of persons using such areas and the security of property, in accordance with the requirements set forth in Article 31.
15. **Landscaping and Screening.** Senior housing developments shall comply with the landscaping and screening requirements in Article 29.
16. **Resident Services.** Support services offered solely to residents may be permitted provided that such services are contained with the principal building and are accessory to the principal senior residential use. Such support services include, but are not necessarily limited to: congregate dining, health care, personal services, private meeting rooms, and social, recreational and educational facilities and programs.

Section 26.111. Two-Family Dwellings

A. Building Setbacks

The minimum building setbacks for a two-family building shall be as follows:

1. Front: Thirty (30') feet from back of curb.
2. Rear: Thirty (30') feet minimum with a minimum of sixty (60') feet distance between the rear on one structure and the rear of another structure.
3. Side: Four (4') feet minimum with a minimum of fourteen (14') feet distance between two structures.

B. Maximum Units Per Building

1. Two-family developments shall contain no more than two (2) dwelling units per building.

C. Building Orientation and Layout

1. The primary entrance of at least one (1) dwelling unit must face the road to which the unit is oriented.
2. Buildings shall be provided with an exterior building wall, foundation, and roof configuration that are similar to residential buildings on adjacent properties or in the surrounding residential neighborhood.
3. Buildings shall be provided with exterior finish materials similar to and aesthetically compatible with the residential buildings on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding or wall materials, windows, porches, shingles, and other roofing materials.

D. Garages

Garages facing the street shall occupy no more than fifty percent (50%) of the building width, and shall be situated within five (5') feet of the front building line exclusive of any porch, or be side loaded.

Section 26.112. Backyard Poultry

A. Backyard poultry shall be permitted as an accessory use to a one family detached dwelling in the R-1A, R-1B, R-1C, and R-1D zoning districts subject to the following provisions:

1. The subject property shall be a minimum of 10,000 square feet.
2. Poultry and/or eggs produced shall be for the personal use of the occupant(s) of the principal dwelling, and shall not be produced for commercial purposes.
3. No more than four (4) fowl shall be permitted on any one property.
4. Adult male fowl (roosters) shall be prohibited.
5. The use – including structures not limited to houses/coops and runs – shall be permitted only in the rear yard as defined by Article 2 of this Zoning Ordinance.
6. The use shall be permitted only within a dedicated house/coop that complies with the standards contained herein, and shall not be permitted inside the principal dwelling, porch, garage, shed, etc. The house/coop shall:
 - a. Be located a minimum of 20 feet from any property line.
 - b. Be a minimum of 20 square feet in area.

- c. Be a maximum of 6 feet in height.
 - d. Be designed to keep the fowl confined and other animals (rodents, birds, cats, dogs, wildlife, etc.) out.
 - e. Be constructed of quality materials and in compliance with any applicable construction code standards.
7. Fowl must be confined to the house/coop or dedicated run at all times. Fowl shall not be permitted to roam freely in any yard, regardless of whether they are otherwise contained within said yard.
 8. An attached run is permitted. Said run shall:
 - a. Be attached to the coop.
 - b. Be no larger than 10 feet x 10 feet.
 - c. Be located a minimum of 20 feet from any property line.
 - d. Be a maximum of 6 feet in height.
 - e. Be designed to keep the fowl confined, and keep other animals out.
 9. Feed must be properly stored in sealed containers designed to keep the feed dry and to be inaccessible to rodents or other vermin.
 10. Manure, dead birds, waste food, and waste eggs must be properly removed and disposed of.
 11. Preventative measures against rodents and other vermin shall be taken throughout the subject property. Trash and/or brush shall not accumulate, and weeds and/or grasses shall be kept at less than 8” in height.
 12. The use is only permitted on a vacant property when the vacant property is immediately adjacent to property upon which is located a one family detached occupied dwelling under the same ownership as the vacant property, and only when the vacant property otherwise meets the definition of a rear yard relative to the property containing the principal dwelling.
 13. All Township ordinances remain applicable, including but not limited to those pertaining to noise, odor, nuisances, light, smoke, fumes, dust, and blight.
 14. Nothing contained herein shall supersede any private restrictions otherwise imposed upon the property, including but not limited to condominium bylaws, deed restrictions, covenants, and lease agreements, so long as those private restrictions are more restrictive than those contained herein. Where private restrictions prohibit

backyard poultry, or otherwise limit the use in a manner more restrictive than the standards contained herein, the private restrictions shall apply.

Section 26.113. Recovery Homes.

To the extent required by the Federal Fair Housing Act, Michigan Zoning Enabling Act, or any other Federal or State law, Recovery Homes shall be permitted in Single Family Residential Zoning Districts provided:

1. The dwelling where located is occupied by no more than 6 persons considered “handicapped” as that term is defined in the Federal Fair Housing Act.
2. All persons comprising the “family” residing in the recovery home shall not be currently using drugs or alcohol, except as prescribed by a licensed physician.
3. The recovery home shall be supervised by an in-house administrator or treatment specialist on a 24 hours per day, 7 days a week basis.
4. The administrator or treatment specialist shall be available to deal with behavioral complaints 24 hours per day, 7 days a week and shall provide the Township with contact information sufficient to facilitate immediate contact to deal with township or neighborhood complaints related to the behavior of occupants of the recovery home.
5. Before occupancy of the dwelling, the owner or lessee shall provide the Township with an operational plan in sufficient detail to permit the Township to verify that the occupants are in fact actively participating in a genuine program of recovery and rehabilitation. At a minimum, the plan shall state:
 - a. Name and contact information of dwelling owner or lessee.
 - b. Name and contact information of administrative staff and a detailed description of the education, training, experience, and qualifications of the administrative staff as it relates to the purpose and function of the Recovery Home.
 - c. A description of circulation and control of visitors, staff, and residents.
 - d. A description of how the residents will function as a single housekeeping unit, including:
 - i. How and where food will be prepared and eaten,
 - ii. How food supplies will be acquired, stored, used, and waste disposed,
 - iii. How toilet needs will be accommodated,
 - iv. Where personal belongings will be kept or stored,
 - v. How laundry needs will be handled,

- e. General treatment protocols to be followed.
 - f. A statement detailing how the treatment offered will accomplish the purpose of ameliorating or ending the alcohol use or drug addiction.
 - g. Plan for dealing with persons who do not comply with treatment protocols.
 - h. Plan for dealing with nuisance conditions or complaints generated or caused by occupants, staff, or visitors.
 - i. Plan for handling emergencies.
 - j. Length of treatment and occupation of dwelling by residents.
 - k. Specimen or sample copies of occupancy or other agreements to be utilized between the owner, lessee, or operator of the recovery home and proposed occupants.
 - l. Plan for adequately dealing with off-street parking for individuals residing in or visiting the subject dwelling.
- 6. The owner, lessee, or operator of the recovery home shall provide a detailed list of zoning or land use regulatory accommodations requested to facilitate the requested operation.
 - 7. The owner, lessee, or operator of the recovery home shall provide an estimate of costs and additional administrative burdens that will accrue to the Township if the requested accommodations are implemented.
 - 8. The owner, lessee, or operator shall provide a building plan and site plan that demonstrates the occupants will occupy the dwelling as a single housekeeping unit and do so in a manner that complies with all Building and Zoning Ordinances. If reasonable accommodation by the Township is required to accomplish this requirement, the details of that accommodation shall be provided.

SECTION 26.200 OFFICE, SERVICE, AND COMMUNITY USES

Section 26.201. Cemeteries

- A. Cemeteries may be permitted, provided such uses are located on major thoroughfares having a proposed one hundred twenty (120') foot right-of-way.

Section 26.202. Child or Adult Day Care Center or Child Caring Institution

A. Child or adult day care center or child caring institution may be permitted subject to the following conditions:

1. In accordance with applicable state laws, such uses and facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.
2. A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the child day care center or child caring institution, provided that the overall area shall not be less than 5,000 square feet. When such a use is to be developed adjacent to a residential zone district, an “A” type bufferyard as defined in Article 29 of this Ordinance shall be provided between the use and the residentially zoned property unless such adjacent property is occupied by a nonresidential land use.
3. Such uses shall be located only on public roads having an existing or proposed right of way of eighty-six (86') feet or greater.
4. New child or adult day care centers or child caring institutions shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or the Township overall.

Section 26.203. Gun Clubs

A. Gun Clubs whether operated for profit or not, may be permitted provided the following conditions are met:

1. All Federal, State, County and Township statutes, codes and ordinances in regard to firearms shall be strictly adhered to.
2. In no instance shall a firearm be discharged outdoors closer than one thousand (1,000') feet to an existing residence.
3. A “B” type bufferyard as provided in Article 29 herein shall be provided between the use and any adjacent residential zone district.
4. A six (6') foot high chain link fence shall be provided around the entire gun club site to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
5. Warning signs, clearly and visibly announcing the periodic discharge of firearms and potential danger, shall be posted around the perimeter of the gun club area.

Such signs shall measure one and one-half (1½) square feet in area and shall be posted every two hundred (200) feet along the perimeter.

Section 26.204. Reserved

Section 26.205. Institutional Uses

A. Institutional uses may be permitted subject to the following conditions:

1. The site shall be so located as to provide for ingress to and egress from said site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least eighty-six (86') feet in width as shown on the current Master Right-of-Way Plan, as amended, of the Road Commission for Oakland County.
2. Buildings of greater than maximum height as allowed in Article 6, Table of Dimensional Standards, may be allowed provided front, side, and rear yards are increased above the minimum required by one (1') foot for each foot of building height that exceeds the maximum height allowed.

Section 26.206. Private Clubs and Lodge Halls

A. Private clubs and lodge halls may be permitted subject to the following conditions:

1. All buildings shall be setback at least fifty (50') feet from any residential district. Any swimming pool shall be setback at least one hundred (100') feet from any residential district.
2. All activities shall be conducted within a completely enclosed building, except for outdoor activity specifically approved by the Planning Commission.
3. A “C” type buffer yard shall be provided between any such use and any adjoining residential use, pursuant to Article 29.

Section 26.207. Privately Owned Parks and Playgrounds

A. Privately owned parks and playgrounds, including athletic fields (for baseball, soccer, etc.) and game courts (for racquetball, tennis, etc.), may be permitted subject to the following site size and setback requirements:

1. Minimum site size shall be determined by the area necessary to support each specific type of field, court or diamond with associated ancillary structures (i.e. stands, bleachers, parking etc.) and the related setbacks.
2. Minimum setback of buildings, parking and activity areas from land zoned or used for residential purposes:
 - a. Minimum setback of parking areas shall be fifty (50) feet.

- b. Minimum setback of athletic fields and game courts shall be five hundred (500) feet.
- c. Minimum setback of all other activity areas shall be one hundred (100) feet.
3. All performance standards as specified in Article 26 of the Commerce Township Zoning Ordinance shall be met.

Section 26.208. Large Scale Institutional Uses, Including Large Scale Churches

A. Large scale institutional uses and large scale churches (as defined in Article 2) have negative impacts on single family residential areas because of the scale of buildings, parking, traffic and frequency of use, which are different from similar smaller uses and smaller churches that have traditionally been compatible with single family areas. Large scale institutional uses and large scale churches are permitted as special land uses in zoning districts, in accordance with the following conditions:

1. The site shall have at least one hundred fifty (150) feet of frontage on a major thoroughfare with an existing or planned right-of-way of not less than one hundred twenty (120) feet. All ingress and egress to the site shall be directly onto such major thoroughfares.
2. All buildings, structures, and parking and loading areas shall be set back a minimum of one hundred (100) feet from any abutting residential zoning district. This setback shall be heavily landscaped so as to create a complete visual and physical separation between the two unlike land uses, forming an effective screen in compliance with the provisions of Article 29 of this Ordinance.
3. Traffic from events (including church worship services) and other large assemblies shall be controlled by the institution or church, or by its agents, so as to not create congestion or unreasonable delays on the public road. A schedule of expected frequency of events (including church worship services) and assemblies, a description of the method(s) of traffic control and a traffic impact study shall be presented to the Planning Commission for approval after review and comment on the plan by the Township police officials.
4. Associated uses on the site, such as recreation centers, retreat facilities, conference centers, schools (if not the primary use), convents, and others shall meet all requirements of this Ordinance for such uses.
5. All parking spaces and aisles shall be screened from view in accordance with Article 29).
6. There shall be no outside loudspeakers or amplified sound outside of a totally enclosed building.
7. Storages of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.

SECTION 26.300 COMMERCIAL USES

Section 26.301. Amusement Parks, Carnivals, Rebound Tumbling Facilities, Miniature Golf Courses and Golf Driving Ranges

A. Commercially used outdoor recreational space for adult or children’s amusement parks, carnivals, rebound tumbling facilities, miniature golf courses and golf driving ranges may be permitted subject to the following:

1. The minimum lot area shall be ten thousand (10,000) square feet and the minimum road frontage shall not be less than one hundred (100’) feet.
2. All lighting shall be shielded from adjoined residential districts.
3. Parking shall conform to the required yards setbacks for buildings and shall be fenced with a (4’-6”) obscuring fence and shall be provided with a greenbelt where adjoining to a residential use.
4. Children’s amusement parks shall be enclosed on all sides with a minimum (4’-6”) obscuring fence and greenbelt (buffer type C).
5. Rebound tumbling facilities shall be fenced on all sides used for trampoline activity. Said fence shall be no less than six (6’) feet high. Trampoline pits shall not exceed four (4’0” feet in depth, shall be drained at all times and filled with earth to grade when the use is discontinued. All manufacturers’ specifications regarding spacing, safety and construction shall be complied with.
6. No loudspeaker or public address system shall be used except by the consent of the Planning Commission where it is deemed that no public nuisance or disturbance will be established.

Section 26.302. Automobile Fueling Stations (Gas Stations)

A. Establishments for the sale of fuel, lubricants and minor accessories only, may be permitted subject to the following conditions:

1. The minimum net site size for such establishments shall be one (1) acre.
2. Entrance and exit drives shall be no less than one hundred (100’) feet from any road intersection and fifty (50’) feet from any residential district.
3. The minimum road frontage shall not be less than two hundred (200’) feet. Permitted road frontage may be reduced provided the applicant demonstrates:
 - a. The site will provide safe vehicular and pedestrian traffic circulation.
 - b. The reduced lot frontage is compatible with the majority of other land uses on the same side of the road within two intersecting roads within the district.

- c. That building facades and other site improvements are provided and constructed in a manner consistent with the Township’s Site and Architectural Design Manual.
 - d. The number of pumps and pump islands are proportional to the size and layout of the site.
- 4. There is an adequate turning radius for fuel delivery vehicles.
 - 5. Steam cleaning, undercoating, and repair work is prohibited.
 - 6. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.
 - 7. Gasoline pumps, air and water hose stands, and other appurtenances shall be set back not less than twenty (20’) feet from existing or proposed road right-of-way lines, whichever is greater.
 - 8. The parking or storage of vehicles for more than twelve (12) hours shall be prohibited.
 - 9. A minimum of one (1) stacking space per lane shall be made available for vehicles that are required to wait.
 - 10. A traffic impact study may be required by the Planning Commission or the Planning Director, per Article 28 (Traffic Impact Studies).

Section 26.303. Automobile Repair Garages

A. Automobile repair garages for the minor and major repair of automobiles, trucks, recreational vehicles, and other motor vehicles shall be subject to the following:

- 1. The minimum lot area shall be as follows: If fuel is served: one (1) acre. If fuel is not served: one half (½) acre. There shall be a minimum of 200 feet of frontage on a public road classified as a collector, arterial or thoroughfare by either the Township’s Master Plan, or county or state road authorities.
- 2. Any fueling structures or operations shall be subject to the conditions of Article 26 Automobile Fueling Stations above.
- 3. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
 - a. Vehicle access to local streets shall be prohibited.

- b. The edge of any access drives shall be set back a minimum of 100 feet from the intersections of two (2) road right-of-way lines. No more than one access drive curb opening shall be permitted per road.
- c. Permitted curb cuts shall have a minimum width of 24 feet at the road right-of-way line, and a maximum width of 30 feet.
4. Overhead doors shall not face residential districts or uses. The Planning Commission may modify this requirement upon determining that there is no reasonable alternative, and that adequate screening has been provided per Article 29 (Methods of Screening and Buffering).
5. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.
6. All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.
7. The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance.
8. Inoperable vehicles shall not be stored or parked outside for a period exceeding 30 days. The storage of vehicles shall be obscured from view with an obscuring wall or fence in accordance with the provisions of Screening in Article 29. No stored vehicle shall occupy a required parking space.
9. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
10. Such uses shall be screened from all road rights-of-way and abutting residential districts or uses in accordance with Article 29 (Methods of Screening and Buffering – buffer type C).
11. Accessory uses shall conform to the standards for such uses, as specified in this Ordinance.
12. There shall be no external evidence of service and repair operations, in the form of dust, odors or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.

13. There shall be no releasing of toxic gases, liquids or materials in any form into the atmosphere, the earth, or the public water or sewer systems. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.
14. A traffic impact study may be required by the Planning Commission or Planning Director, per Article 28 (Traffic Impact Studies).

Section 26.304. Automobile Service Centers

A. Automobile repair garages for the minor and major repair of automobiles, trucks, recreational vehicles, and other motor vehicles shall be subject to the following:

1. The minimum lot area shall be as follows: If fuel is served: one (1) acre. If fuel is not served: one half (½) acre. There shall be a minimum of 200 feet of frontage on a public road classified as a collector, arterial or thoroughfare by the Township’s Master Plan, or county or state road authorities.
2. Any fueling structures or operations shall be subject to the conditions of 26.302 Automobile Fueling Stations above.
3. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings and shall be subject to the following:
 - a. Motor vehicle access to local streets shall be prohibited.
 - b. The edge of any access drive shall be set back a minimum of 100 feet from the intersections of two (2) road right-of-way lines. No more than one access drive curb opening shall be permitted per road.
 - c. Permitted curb cuts shall have a minimum width of 24 feet at the road right-of-way line, and a maximum width of 30 feet.
4. Overhead doors shall not face residential districts or uses. The Planning Commission may modify this requirement upon determining that there is no reasonable alternative, and that adequate screening has been provided per Article 29 (Methods of Screening and Buffering).
5. All lighting fixtures under the canopy shall be fully recessed into the canopy structure. The Planning Commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this Ordinance.
6. All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair

stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.

7. The storage, sale, rental or display of new or used cars, trucks, trailers, and any other motor vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this Section and Ordinance.
8. Inoperable motor vehicles shall not be stored or parked outside for a period exceeding 24 hours. The storage of motor vehicles shall be obscured from view with an obscuring wall or fence in accordance with the provisions of Screening in Article 29. No more than five (5) motor vehicles shall be stored at one time and no stored motor vehicle shall occupy a required parking space.
9. Partially dismantled motor vehicles, damaged motor vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
10. Such uses shall be screened from all road rights-of-way and abutting residential districts or uses in accordance with Article 29 (Methods of Screening and Buffering – buffer type C).
11. Accessory retail and restaurant uses shall conform to the standards for such uses, as specified in this Ordinance.
12. There shall be no external evidence of service and repair operations, in the form of dust, odors or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
13. There shall be no releasing of toxic gases, liquids or materials in any form into the atmosphere, the earth, or the public water or sewer systems. The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.
14. A traffic impact study may be required by the Planning Commission or Planning Director, per Article 28 (Traffic Impact Studies).

Section 26.305. Automobile Showrooms and Outdoor Sales and Display

A. Automobile showrooms and outdoor sales and display space for the exclusive sale of new and used motor vehicles, travel trailers, recreational vehicle, boats and mobile houses may be permitted subject to the following:

1. The minimum lot area shall 1 acre and the minimum road frontage shall not be less than two hundred (200') feet.

2. All lighting shall be shielded from adjoining residential districts.
3. Ingress and egress to the outdoor sales area shall be at least one hundred (100') feet from the intersection of two (2) roads.
4. The outdoor sales or display area shall be setback a minimum of fifty (50') feet from the setback line.

Section 26.306. Automobile Wash Establishment

- A. Automobile wash establishments may be permitted subject to the following conditions:
1. All washing facilities shall be completely within the car wash building.
 2. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district or existing residential use.
 3. Buildings with vehicle entrances or exits facing a road shall be set back a minimum of sixty (60') feet.
 4. Entrance and exit drives shall be no less than one hundred (100') feet from any road intersection and at least two hundred (200') feet from any residential district. Where feasible, such uses shall be developed with a single curb cut.
 5. Waiting spaces shall be provided in an amount equal to seven (7) times the maximum automobile capacity within the building. Four (4) waiting spaces shall be provided for each stall in a self-serve car wash. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 6. The site shall be drained so as to dispose of all surface water in such a way as to preclude drainage of water onto adjacent property, sidewalks, or roadways.
 7. Car wash facilities shall be designed to maximize the use of recycled water.

Section 26.307. Commercial Uses Larger Than 35,000 Square Feet

- A. Commercial uses with more than 50,000 square-feet of total gross floor area (including supermarkets, wholesales stores, and multi-tenant shopping centers with more than 35,000 square-feet of total gross floor area in a single building footprint) shall be subject to the following:
1. Vehicular circulation patterns shall be designed to eliminate potential conflicts between traffic generated by the site and traffic on the adjacent roads. The number and location of curb cuts shall be held to the minimum necessary to provide adequate access to the site.

2. Sites shall have frontage on a public road classified as an arterial or thoroughfare by either the Township’s Master Plan, or county or state road authorities. Vehicle access to local or collector roads shall be prohibited.
3. A traffic impact study may be required by the Planning Director or the Planning Commission, per Article 28 (Traffic Impact Studies).
4. The site design, circulation, parking layout, and building architecture of any outlots shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the Planning Commission.
5. Developments with facade over 100 feet in linear length shall incorporate wall projections or recesses a minimum of 3 foot depth and a minimum of 20 contiguous feet within each 100 feet of facade length and shall extend over 20 percent of the facade. Developments shall use features such as arcades, display windows, entry areas, or awnings along at least 60 percent of the facade.
6. Building facades shall include a repeating pattern that shall include no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
 - a. Color change.
 - b. Texture change.
 - c. Material module change.
 - d. Expression of architectural or structural bay through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
7. Rooflines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the preliminary development plan.
8. Predominant exterior building materials shall be high quality materials. These include, without limitation:
 - a. Brick.
 - b. Wood.
 - c. Sandstone.
 - d. Other native stone.

- e. Tinted, textured, concrete masonry units.
- 9. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors.
- 10. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- 11. Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- 12. Predominant exterior building materials as well as accents shall not include the following, unless specifically approved by the Planning Commission:
 - a. Smooth-faced concrete block
 - b. Tilt-up concrete panels
 - c. Pre-fabricated steel panels
- 13. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - a. Canopies or porticos.
 - b. Overhangs.
 - c. Recesses/projections.
 - d. Arcades.
 - e. Raised corniced parapets over the door.
 - f. Peaked roof forms.
 - g. Arches.
 - h. Outdoor patios.
 - i. Display windows.
 - j. Architectural details such as tile work and moldings which are integrated into the building structure and design.
 - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- 14. All sides of a principal building that directly face an abutting public or private right-of-way shall feature at least one customer entrance. Where a principal building

directly faces more than two abutting public or private rights-of-way, this requirement shall apply only to two sides of the building, including the side of the building facing the primary road, and another side of the building facing a secondary road.

The number of entrances for the principal building shall be addressed at the preliminary development plan stage. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance, which shall conform to the above requirements.

15. No more than 60 percent of the off-street parking area for the entire property shall be located between the front facade within the front yard of the principal building(s) and the primary abutting road unless the principal building(s) and/or parking lots are screened from view by out lot development (such as restaurants) and additional tree plantings and/or berm. Up to as much as 20% of the required parking may utilize the construction of modular parking systems, green paving or turf surfaced grid paving systems with hard surfaced paved aisles, when distributed evenly among all required parking areas. In addition, all interior vehicular use area landscaping islands shall be constructed below the grade of the parking surface so as to accept surface water runoff.
16. Sidewalks shall be provided in accordance with the Township sidewalk standards.
17. Directional Signs. Directional signs may be provided, on the condition that their design is complementary to the overall building and site, that their size does not exceed 3.75 sq. ft., and their height does not exceed 42 inches.

Section 26.308. Drive-Through Businesses, Drive-In Businesses, and Fast-Food Restaurants

A. Drive-through businesses, drive-in businesses, and fast food restaurants shall be permitted provided the following conditions are met:

1. Drive-through pharmacies, dry cleaning establishments, and roadside produce stands, shall provide a minimum of three (3) stacking spaces in addition to the space at the service window.
2. Other drive-through businesses shall be required to provide a minimum of five (5) stacking spaces in addition to the space at the service window.
3. Such waiting lane shall not occupy any required yard or circulation drive, shall not intersect with pedestrian access to a public entrance of a building, and shall be located to the sides and/or rear of the principal structure.
4. No drive-through window shall be located on the front of a building, defined as that elevation having frontage on a road.

5. Sites shall have a minimum of one hundred (100) feet of frontage on a public road classified as a collector, arterial or thoroughfare by either the Township’s Master Plan, or county or state road authorities.
6. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
7. Vehicle access to local streets shall be prohibited.
8. A front yard setback of at least sixty (60’) feet shall be required.
9. Entrance and exit drives shall be at least one hundred fifty (150’) feet from any signalized road intersection.
10. An obscuring wall or fence, or landscaped buffer (buffer type C) shall be provided in accordance with the provisions of Screening in Article 29, on all sides abutting a residential district.
11. Permitted curb cuts shall have a minimum width of 27 feet at the road right-of-way line, and a maximum width of 30 feet, measured from back-of-curb to back-of-curb.
12. A traffic impact study may be required by the Planning Commission.
13. A bypass lane shall be provided, subject to Planning Commission approval.
14. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
15. Sales of alcoholic beverages shall be prohibited through any drive-in or drive-through service window or facility.
16. Two (2) menu boards may be erected as an accessory use to each drive-through lane, subject to the following:
 - a. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from street rights-of-way and abutting residential districts or uses.
 - b. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
 - c. Each menu board shall not exceed six (6) feet in height. The total of both menu boards shall not exceed 48 square feet.

Section 26.309. Funeral Homes

- A. Funeral homes shall be subject to the following requirements:
1. The minimum lot area shall be one (1) acre and 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.
 2. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare of not less than one hundred and twenty (120') feet of right-of-way width, either existing or proposed, and all ingress and egress for the site shall be directly onto said major thoroughfare, or a marginal access service thereof.
 3. The vehicular entrance shall be not less than two hundred fifty (250') feet from the intersection of any two (2) major thoroughfares.
 4. Points of ingress and egress for the site shall be so laid out as to minimize possible conflicts between traffic on adjacent major thoroughfare and funeral processions or visitors entering or leaving the site.
 5. No building shall be located closer than fifty (50') feet to any residential district.
 6. A caretaker's residence may be provided within the main building of the mortuary establishment.
 7. Unless located within the principal building, loading and unloading area used by ambulance, hearse, or other such service vehicles shall be obscured from all residential view with a solid decorative masonry wall six (6') feet in height and said wall, plus any other required walls, or fence shall be further subject to the requirements in Article 29.

Section 26.310. Hotels, Motels and Inns

- A. Hotels, motels, and inns subject to the following conditions:
1. Each unit shall contain not less than three hundred and twenty five (325) square feet of floor area.
 2. An owner's residence or accessory dwelling unit for a manager shall be permitted accessory to and located within a principal hotel building.
 3. A hotel may include any of the following amenities as accessory uses:
 - a. A dining room within the principal building.
 - b. Banquet facilities and meeting rooms.
 - c. A tavern or pub located within the principal hotel building.

- d. Gift shops, convenience stores, and similar retail uses within the principal building.
- 4. Drop-off areas and canopies shall be subject to the setback requirements for the principal building.

Section 26.311. **Massage Therapy**

- A. Massage therapy clinics shall be permitted subject to the following conditions:
 - 1. Proper State licensing is obtained for all employees of the establishments and that no activity other than that permitted by this Ordinance and the Township Code of Ordinances is allowed on the site.

Section 26.312. **Open Air Businesses**

- A. Open air business uses shall be subject to the following requirements:
 - 1. Such businesses shall only be permitted as an accessory use to a larger retail use.
 - 2. The minimum lot area shall be one (1) acre and the minimum road frontage shall not be less than one hundred (100') feet.
 - 3. Such areas shall be kept clean and litter-free, with outdoor waste receptacles provided.
 - 4. Devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
 - 5. The storage of any soil, fertilizer or other loose, unpacked materials shall be contained with walls so as to prevent any negative effects on adjacent uses.
 - 6. Off-street parking areas shall be hard-surfaced with asphalt or concrete.

Section 26.313. **Outdoor Cafés and Eating Areas**

- A. Where permitted, outdoor dining shall be subject to the following conditions:
 - 1. An application for site plan review must be submitted for a request for outdoor dining in compliance with Article 35 of the Zoning Ordinance. A scaled drawing, no less than 18" x 24" can be substituted for the 24" x 36" plan as required in Article 35. Additionally, the following items must be included with the application:
 - a. A detailed description of what is being placed in the area, and how the area will be used.
 - b. Specifications for the cleaning and trash containment of the site.

- c. Specifications regarding the storage of tables, chairs and equipment during the months when the outdoor seating is not in use.
- d. Detailed drawings of any barrier, to screen or shield the outdoor dining from adjacent areas.
2. If site plan review approval is granted by the Planning Commission, the petitioner must apply for, and receive, a building permit, prior to the establishment of any outdoor dining.
3. All outdoor dining must be in conjunction with an indoor dining restaurant.
4. A certificate of insurance for any work in the public right of way or public property, to the satisfaction of the Township Attorney, prior to the issuance of a building permit.
5. Outdoor dining permits are valid for a period of time limited to April 15 thru October 31 of each year, at the end of which time the site shall be returned to the original condition. All tables, chairs, umbrellas, trash receptacles and other furnishings shall be stored in an enclosed, approved location. Permits, for which there is a fee, must be renewed on an annual basis, prior to the placement of any tables and/or chairs outside. If any changes are proposed from the approved site plan, the petitioner must reapply and receive site plan approval prior to any outdoor dining operation commencing. If no material changes are proposed, the permit can be renewed upon receipt of a signed, written statement that there has been no material change to the approved site plan and conditions thereof.
6. All outdoor seating and display areas shall be designed and used in such a manner as to allow a minimum of five (5) feet of unobstructed sidewalk unless a wider sidewalk is required by the Building or Fire Department to ensure that the health, safety and welfare of the patrons is adequately addressed.
7. Petitioner shall ensure that the outdoor dining area will be conducted in such a manner as to insure that debris and/or trash shall not be blown or scattered onto other properties and shall be responsible for a clean, litter free and well kept appearance within and immediately adjacent to the area of the outdoor use.
8. The capacity of the outdoor seating area shall be considered along with the indoor seating for the purpose of determining compliance with the required parking.
9. The outdoor dining shall in no way impair the use and enjoyment of adjacent or nearby properties.
10. Outdoor dining shall be subject to applicable Oakland County Health Division requirements.

11. No vending machines or arcades or other accessory structures other than tables, chairs, umbrellas and trash containers included in the approved site plan shall be located outside.
12. Additional signs shall not be permitted.
13. No live music or other entertainment shall be permitted. No loudspeakers can be used in conjunction with an outdoor dining permit.
14. Outdoor dining shall be limited to the same site as the principal building.
15. Outdoor dining shall not block or obstruct vehicular visibility areas, including but not limited to a 25 foot corner clearance at the intersections of roads, driveways, shared driveways and/or alleys.
16. Outdoor dining shall not block or obstruct access to building entrances or exits, fire lanes, handicapped parking spaces, benches, trash receptacles, utilities or other Township installations or fixtures in the public right-of-way and shall be a minimum of ten (10) feet from any fire hydrant. An accessible aisle must be maintained in accordance with the provisions of the national Americans with Disabilities Act and Michigan barrier-free requirements.
17. The Township Attorney shall review and approve any liability issues pertaining to the outdoor dining.
18. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance of the establishment must be maintained free from obstructions.
19. An outdoor dining area may not be open beyond the hours of the associated restaurant. In no event shall an outdoor dining area be open or occupied by patrons after 12:00 a.m.
20. Any business which serves any type of alcoholic beverage must provide security, an approved fence, barrier or other type of separation method in compliance with the Liquor Control Commission.
21. All tables, chairs, umbrellas, trash receptacles and other furnishings in the outdoor dining area shall be in a good condition and shall be fire treated as required by applicable law.
22. Outdoor cafes and eating areas shall be subject to periodic inspection. The fee for such inspections shall be paid by the applicant.
23. Outdoor dining facilities shall be subject to any additional charges for water and/or sewer services.

Section 26.314. Pet Services Establishments

- A. Pet Services Establishments may be permitted subject to the following:
1. Primary enclosures shall not exceed one enclosure for each seventy-five (75) square feet of gross floor area.
 2. With the exception of supervised exercise within an enclosed area, all activities shall be conducted within an enclosed building.
 3. Supervised exercise areas may be permitted within a fenced area having a maximum height of six (6) feet, located in side or rear yards provided that a twenty-five foot (25') setback from property lines is maintained and that these areas do not abut any residential uses or zoning districts.
 4. In addition to landscape requirements set forth for the I, Industrial District, landscape plantings must be placed along fenced areas to obscure the view from adjacent properties (buffer type C).
 5. Signs shall comply with the requirements of Article 30 of the Township Zoning Ordinance for I, Industrial Districts.
 6. Animal waste shall be cleaned up and disposed of properly on a daily basis.

Section 26.315. Plant Material Nurseries

- A. Plant materials nurseries may be permitted subject to the following conditions:
1. The property shall contain at least five (5) acres and be located so as to provide all ingress and egress directly from and onto a major thoroughfare of at least one hundred and twenty (120') feet as shown on the current Master Right-of-Way Plan of the Road Commission for Oakland County.
 2. The minimum setback shall be fifty (50) feet when abutting an “R” Residential District.
 3. Outside storage of landscape materials, such as mulch, topsoil, stone, etc., shall be permitted subject to the following requirements:
 - a. Outside storage shall not exceed eight (8) feet in height.
 - b. Outside storage shall be completely screened with a wall or a wood fence to a height of at least eight (8) feet.
 - c. Tarps or other measures shall be used on top of the topsoil, mulch, and other material to prevent blowing debris.
 - d. Outside storage areas shall be paved and properly drained, unless the Planning Commission waives the requirement for paving to allow direct infiltration of

storm water and reduce the requirements for storm water retention or detention. Unpaved open storage shall be permitted only where it is not visible from the perimeter of the site and all public roads.

Section 26.316. Off-premises Alcohol Sales Outlets

A. Purpose.

It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting off-premises alcohol sales outlets in concentration, operation, and to those areas that are most compatible with such uses. Alcohol-related uses tend to have a detrimental effect on a geographic area where there is a concentration of such uses in close proximity to each other. Neighborhood character, hours of operation, police resources, and the secondary effects resulting from these uses must be taken into consideration during the zoning process. Negative secondary effects associated with off-premises alcohol sales outlets of particular concern include, but are not necessarily limited to:

1. Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb a neighboring property.
2. Noise, odors, or lights that emanate beyond the site’s boundaries onto property in the area on which there are residential dwellings.
3. Robberies, shoplifting, and other crimes that can affect party stores, convenience stores, and other retail establishments, especially those open late.

The regulations in this section are intended to provide reasonable restrictions so that the use does not compromise the health, safety, and general welfare of persons and property.

B. Operative Provisions.

1. Unless stated otherwise, to determine if distance requirements set forth in this section have been met, the distances shall be measured between the nearest property boundary of the off-premises alcohol sales outlet and the nearest property boundary of the other use and/or zoning district. This distance shall be measured along the center line of the road or roads between two (2) fixed points on the center line determined by projecting straight lines, at right angles from the closest property line to the center line.

C. Application.

1. All new off-premises alcohol sales outlets, and all off-premises alcohol sales outlets seeking to expand in compliance with this Ordinance, shall be subject to site plan review pursuant to Article 35.

In addition to the other requirements of Article 35, the site plan application shall also include the following:

- a. A copy of the license issued by the State Liquor Control Commission or a completed application for such a license, in which case any site plan approval shall be conditioned upon receipt of a license by the applicant; and
 - b. A corresponding floor plan which illustrates the proposed location where the alcohol sales would occur, as well as a visual depiction showing all the locations of other off-premises alcohol sales outlets that presently exist within a one and one-half (1.5) mile radius of the subject site measured from the center of the property upon which the off-premises alcohol sales outlet is located, including but not limited to, restaurants, bars, convenience stores, gas stations, pharmacies, grocery stores, warehouse stores, and other alcohol retail outlets.
2. All off-premises alcohol sales outlets shall also be subject to special land use approval pursuant to Article 34, unless otherwise listed as an exception in this Section.

D. Limitations. In addition to the applicable rules of the State Liquor Control Commission, all of the following provisions shall apply to off-premises alcohol sales outlets:

1. The off-premises alcohol sales outlet shall not be located within five hundred (500) feet of a place of worship, public park, licensed daycare facility, pre- and/or K-12 school. This sub-subsection D(1) shall not be construed to prevent the transfer of a license to a location farther from such a use if the license to be transferred remains within 500 feet of the use. A “place of worship” means an entire house or structure set apart primarily for use for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure of which is kept for that use and not put to any other use inconsistent with that use.
2. There shall not be more than two (2) off-premises alcohol sales outlets within one (1) mile. A discontinued off-premises alcohol sales outlet from which a license was transferred to an existing off-premises alcohol sales outlet pursuant to the terms of this Section shall count towards the number of off-premises alcohol sales outlets within one (1) mile, so as to advance the purpose of this section, until such time as the off-premises alcohol sales outlet which expanded because of the transfer ceases to be an off-premises alcohol sales outlet.
3. Off-premises alcohol sales outlets shall be constructed upon arterial or major collector roads as classified within the Commerce Township Master Plan. Customer entrances must face such a road.
4. The cash register for an off-premises alcohol sales outlet shall be clearly visible through a viewing window from the road. The viewing window shall be at least twenty (20) square feet in size and consist of clear glass. No signs shall be posted on the viewing window.
5. An off-premises alcohol sales outlet which operates past 9:00 p.m. local time shall:
 - a. be a minimum of five hundred (500) feet from any residentially zoned property measured from the nearest property line of the residentially zoned property to

the nearest property line of the property upon which is located the off-premises alcohol sales outlet; and

- b. in addition to the parking requirements set forth in Article 28, maintain at least one (1) parking space for each two hundred (200) square feet of retail alcohol area not less than forty (40) feet from any customer entrance.

6. No drive-through operation shall be conducted within the same building as the off-premises alcohol sales outlet.

E. Exceptions. The limitations set forth above shall not apply to the following exceptions, and the following exceptions shall not require special land use approval:

1. An off-premises alcohol sales outlet that is part of a business which holds an on-premises liquor license and which maintains the same hours of operation.
2. An off-premises alcohol sales outlet associated with a full service supermarket (selling food and household goods) located in a building of at least 20,000 square feet and having gross receipts derived from the sale of food or other goods, excluding alcohol and other goods which require a minimum age to purchase, that are at least 51% of the total gross receipts. This exception applies to a full service supermarket only and does not apply to satellite buildings, such as gas stations, associated with the full service supermarket.
3. A specially designated merchant license issued to a marina pursuant to 1998 PA 58.
4. An off-premises alcohol sales outlet that existed before the date of this amendment seeking to renew, but not expand, its liquor license unless the expansion results in the reduction in the total number of off-premises alcohol sales outlets within the Township and:
 - a. The expansion is the outcome of a transfer of an active license from an operating and lawful off-premises alcohol sales outlet within the Township and within 1,000 feet of the operating and lawful off-premises alcohol sales outlet to which the license is to be transferred the net result of which is a decrease in the total number of off-premises alcohol sales outlets within the Township;
 - b. The off-premises alcohol sales outlet within the Township transferring the license ceases operations as an off-premises alcohol sales outlet immediately, entirely, and permanently though it may continue operations excluding the sale of alcohol;
 - c. The off-premises alcohol sales outlet to which the license is being transferred is not physically expanding the floor area of the building to which the license is being transferred; and
 - d. The transfer of the license to the off-premises alcohol sales outlet does not cause an adverse traffic impact due to an increase in traffic volumes and/or turning movements. The Township may require a traffic impact study per Article 28 to determine whether adverse traffic will be a result of the expansion and may

deny or condition its approval of the expansion of the off-premises alcohol sales outlet on the recommendations of the traffic impact study.

5. An off-premises alcohol sales outlet included in a planned unit development approved per Article 38 of this ordinance.

F. Review standards. The following review standards shall be used by the Planning Commission, in addition to those set forth in Article 34, in the consideration of any special land use request for an off-premises alcohol sales outlet:

1. The use, or change in use, as constructed and operated by the applicant will not have any, or minimal, negative secondary effects on the surrounding area specifically in regard to, but not necessarily limited to, the following:
 - a. Vehicular and pedestrian traffic.
 - b. Noise, odors, or lights that emanate beyond the site’s boundaries onto property in the area on which there are residential dwellings.
 - c. Criminal activities, including robberies and shoplifting, which can affect party stores, convenience stores, and other similar retail establishments.
2. An application related to a full service supermarket shall be presumed to have minimal negative secondary effects. This presumption shall not apply if the current or proposed location has had instances of negative secondary effects or if the applicant has owned, operated, or otherwise been affiliated with an establishment that has had instances of negative secondary effects such as those described herein.

G. Violations.

1. Violations of this section shall be governed by Article 1.

Violations of this section shall be sent to the State Liquor Control Commission upon adjudication or acceptance of responsibility. Should the State Liquor Control Commission grant a license to a special land use applicant under this section which does not, or cannot, comply with this ordinance and the applicant opens an off-premises alcohol sales outlet, then the off-premises alcohol sales outlet shall be cited for a violation of this ordinance and notice of the adjudication or acceptance of responsibility shall be sent to the State Liquor Control Commission.

Section 26.317. Smoke Shops

A. Purpose.

This section is intended to preserve and protect the public health, safety, and general welfare of persons and property by limiting smoke shops in concentration, operation, and to those areas that are most compatible with such uses so as to avoid the undesirable impacts associated with such uses upon the community. Among those impacts are increased potential for tobacco sales to minors, increased potential for the sale of marihuana and synthetic marihuana, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative

aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. The regulations in this section are intended to provide reasonable restrictions so that the use does not compromise the health, safety, and general welfare of persons and property.

B. Operative Provisions.

Unless stated otherwise, to determine if distance requirements set forth in this section have been met, the distances shall be measured between the nearest property boundary of the smoke shop and the nearest property boundary of the other use and/or zoning district.

C. Special Land Use Approval.

1. All smoke shops shall be subject to special land use approval pursuant to Article 34.
2. In addition to the special land use application requirements of Article 34, applications for special land use for smoke shops shall also include the following:
 - a. A site plan and corresponding floor plan which illustrate the proposed location where the tobacco products, vapor products, nicotine products, and alternative nicotine product sales would occur, as well as the locations of other smoke shops and stores that sell such products that presently exist within a one and one-half (1.5) mile radius of the subject site measured from the center of the property upon which the smoke shop is located, including but not limited to, convenience stores, gas stations, pharmacies, grocery stores, warehouse stores, and other smoke shops.
 - b. A security plan and floor plan shall be submitted with the special land use application and site plan application for a smoke shop. The security plan shall:
 - (i) Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.
 - (ii) The security plan shall identify the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of Information Act.

D. General Conditions. In addition to the applicable rules under federal, state, and local law, all of the following provisions shall apply to smoke shops:

1. The smoke shop shall not be located within five hundred (500') feet of a place of worship, public park, licensed daycare facility, pre- and/or L-12 school, library, or medical marihuana cultivation building. This subsection shall not be construed to prevent the transfer of a license to a location further from such a use if the license

to be transferred is within the 500-foot radius as applicable. A “place of worship” means an entire house or structure set apart primarily for use for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure of which is kept for that use and not put to any other use inconsistent with that use.

2. There shall not be more than two (2) smoke shops within one (1) mile.
3. No smoke shop shall operate between 11:00 p.m. and 6:00 a.m.
4. A smoke shop which operates past 9:00 p.m. local time shall be a minimum of seven hundred fifty (750) feet from any residentially zoned property measured from the nearest property line of the residentially zoned property to the nearest property line of the property upon which is located the smoke shop.
5. A smoke shop shall not display, sell, distribute, deliver, offer, furnish, or market any other good, product, or service for which a minimum age is required to purchase, possess, or utilize that good, product, or service. The sale of age restricted products other than tobacco products, vapor products, nicotine products, and alternative nicotine products from a smoke shop is prohibited.
6. No drive-through operation shall be conducted within the same building as the smoke shop.
7. Public seating areas inside or outside the building occupied by the smoke shop are prohibited.
8. Public or private rooms for the consumption or use of tobacco products, vapor products, or nicotine products are prohibited.
9. Alcohol consumption at a smoke shop is prohibited.
10. A security system shall be installed in each smoke shop which shall include monitoring cameras with audio capability. The security system shall be installed such that all public spaces within the smoke shop are under surveillance as well as any associated parking area. Recordings and data from the security system shall be kept for a minimum of three hundred and sixty-five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.
11. The property upon which the smoke shop is located shall be kept clean of trash and debris.
12. Loitering outside the smoke shop shall be prohibited. No smoking, inhalation, or consumption of tobacco, vapor, nicotine, or alternative nicotine products shall take place on the property of a smoke shop or within a smoke shop.
13. Smoke shops shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to the smoke shop. For

purposes of this Section, “minor” means an individual who is less than 21 years of age.

14. No sales may be solicited or conducted on the premises by minors.
 15. Self-service sales of tobacco products, vapor products, nicotine products, or alternative nicotine products are prohibited.
 16. Distribution of free or low-cost tobacco products, vapor products, nicotine products, or alternative nicotine products is prohibited as well as coupons for said items.
- E. Exceptions. The limitations set forth above shall not apply to: A smoke shop that existed before the date of this amendment seeking to maintain, but not expand its sales of tobacco, vapor, nicotine, or alternative nicotine products.
1. A smoke shop included in a planned unit development approved per Article 38 of this ordinance.
- F. Review Standards. The following review standards shall be used by the Planning Commission, in addition to those set forth in Article 34, in the consideration of any special land use request for a smoke shop:
1. The use, or change in use, as constructed and operated by the applicant will not have any, or minimal, negative secondary effects on the surrounding area specifically in regard to, but not necessarily limited to, the following:
 - a. Vehicular and pedestrian traffic.
 - b. Noise, odors, or lights that emanate beyond the site’s boundaries onto property in the area on which there are residential dwellings.
 - c. Criminal activities including robberies, shoplifting, assault and batteries, underage sale to minors, unlawful sale of controlled substances, which can affect smoke shops and other similar retail establishments.
- G. Violations. Violations of this section shall be governed by Article 1 of this Ordinance.

SECTION 26.400 INDUSTRIAL, RESEARCH AND LABORATORY USES

Section 26.401. Commercial Dog Kennels

- A. Commercial dog kennels may be permitted subject to the following:
1. Parcels or lots shall be not less than five (5) acres in area and shall not abut a recorded residential subdivision. Areas designated for the purpose of feeding shall be confined to the site and located at least fifty (50) feet from the perimeter of the site.
 2. No amassing of manure, or odor or dust-producing substances, or any use producing odor or dust, shall be permitted within fifty (50) feet or any property line.

3. Dog kennels and runs shall be located at least fifty (50') feet from any abutting property line.

Section 26.402. Medical Marihuana Cultivation Building and Dispensary Regulations

A. Purpose.

1. It is the intent of this section to provide reasonable conditions for the cultivation of marihuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq. This is a unique land use with ramifications not addressed by more traditional zoning. Although some specific uses of marihuana may not be prosecuted according to the Michigan Medical Marihuana Act, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marihuana.
2. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana cultivation to the district that is most compatible with such use. Additional regulations in this section are intended to provide reasonable restrictions within the district so that this use does not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in the district.

B. Special Land Use Approval. All medical marihuana cultivation buildings shall be subject to special land use approval, pursuant to Article 34.

C. Medical Marihuana Dispensary. Medical marihuana dispensaries are prohibited in all districts.

D. Special Site Design Standards.

1. Growing operations shall not be visible from any point outside the medical marihuana cultivation building.
2. The medical marihuana cultivation building shall not be permitted to have drive-thru facilities.
3. Rooftop screening shall be complementary to the exterior of the building and shall screen all rooftop mechanical devices from view.

E. Performance Guarantee. The Township board may require the posting of a performance guarantee with respect to any improvements required to be completed as a condition of approval under this section.

F. Access & Identification. A primary caregiver operating a medical marihuana cultivation building shall assign an identifying number to every person for whom the primary caregiver intends to grow and cultivate medical marihuana at the medical marihuana cultivation building including the primary caregiver if the primary caregiver is also a qualifying patient. The primary

caregiver shall keep a list identifying the registry identification card of the persons to whom a number is assigned which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

1. **Separate Grow Areas.** The primary caregiver shall keep the marihuana plants grown for a qualifying patient of the primary caregiver separate from the marihuana plants grown by the primary caregiver for other qualifying patients. Each qualifying patient’s plants shall be kept in an enclosed locked facility to which only the primary caregiver has access. Upon each enclosed locked facility shall be prominently and permanently displayed the identifying number of the person for whom the medical marihuana is grown and cultivated.
2. **Access Log.** The primary caregiver shall keep a written log including the identifying number, date and time of every person entering the medical marihuana cultivation building, which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant. The primary caregiver shall also keep a written log including the date and time marihuana was removed from the enclosed locked facility and the amount of marihuana removed.
3. The primary caregiver shall certify under oath that the written records kept are correct and accurate

G. **Inspections.** A medical marihuana cultivation building shall be subject to the following inspections:

1. **Initial Inspection.** The medical marihuana cultivation building shall be subject to the same inspections as all other buildings as required by this ordinance and the Charter Township of Commerce Code of Ordinances.
2. **Annual Inspections.** The medical marihuana cultivation building may be inspected annually by the Township Building Director to confirm that it is being operated in compliance with this Zoning Ordinance. The Township zoning official shall limit his inspection to only those issues associated with compliance with this Zoning Ordinance and shall not make inquiry into the identity of any qualifying patient. The medical marihuana cultivation building shall be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. Eastern Time upon two (2) hours’ notice.

H. **General.** The following provisions apply to medical marihuana cultivation buildings.

1. Medical marihuana cultivation buildings shall comply with all applicable state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof.
2. No smoking, inhalation, or consumption of marihuana shall take place on the premises of a medical marihuana cultivation building.

3. Retail sales of products customarily incidental to the use of medical marihuana is prohibited at medical marihuana cultivation buildings.
 4. All activities of medical marihuana cultivation buildings shall be conducted indoors.
 5. Outdoor storage is prohibited at medical marihuana cultivation buildings.
 6. Medical marihuana cultivation buildings shall comply with all applicable provisions of this Ordinance and the Michigan Medical Marihuana Act. This section preempts any other section of this Ordinance when there is a conflict between this section and another section. This section does not preempt the Michigan Medical Marihuana Act.
 7. No more than seventy-two (72) plants shall be grown in any medical marihuana cultivation building.
 8. A security system shall be installed in each medical marihuana cultivation building which shall include monitoring cameras with audio capability. Recordings and data from the security system shall be kept a minimum of three hundred and sixty five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.
 9. Odors generated by the medical marihuana cultivation shall be contained within the medical marihuana cultivation building or the portion of building used for medical marihuana cultivation.
 10. No minors are permitted in the medical marihuana cultivation building without a parent and/or guardian.
 11. The medical marihuana cultivation building shall not be open to anyone but the primary caregiver between the hours of 8:00 p.m. to 8:00 a.m. Eastern Time.
 12. The parking requirements for medical marihuana cultivation buildings shall be consistent with that of “Industrial, Research and Laboratory” set forth in Section 28.05(D) of this Ordinance.
 13. Marihuana Facilities, as defined by the Michigan Medical Marihuana Facilities Licensing Act, are prohibited.
- I. Application Requirements and Review: The application for, and review of, a special land use permit for a medical marihuana cultivation building shall be made in accordance with Article 34 except that the following shall also be required:
1. A security plan and floor plan shall be submitted with the special land use application and site plan application for a medical marihuana cultivation building. The security plan shall:

- a. Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.
 - b. The security plan shall identify the number of plants to be grown, the location of the secured locked facilities assigned to qualifying patients, the location where chemicals and fertilizers are stored, and the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of Information Act.
2. A waste disposal plan shall be included with all applications for a medical marihuana cultivation building which shall detail plans for the disposal of chemicals and fertilizers and plans for plant waste disposal including the disposal of any excess marihuana grown at the medical marihuana cultivation building. The Township building official shall determine whether the waste disposal plan meets all Township requirements and may require the applicant to provide proof the disposal plan satisfies county and state requirements.
 3. Proof of an ownership or leasehold interest in the building housing the medical marihuana cultivation building.

SECTION 26.500 OTHER USES

Section 26.501 Temporary Construction and Real Estate Sales

A. Temporary Construction.

1. Temporary construction buildings and/or construction activities shall be allowed in any zone for a period of one (1) year if prior approval is obtained from the Building Official. A second year may be allowed if there appears to be no unreasonable delay in the activities and appears to be a necessity.
2. Temporary construction activities with or without temporary buildings shall be defined as construction activities approved pursuant to a building permit. They include, but are not limited to, a construction yard for the development of a subdivision, condominium, or multiple unit project, a cement or asphalt making operation for streets or roads in the Township, and other similar activities.
3. Temporary structures related to the construction of buildings shall be limited to one construction office and no more than three storage structures. Such structures shall be located no closer than two hundred (200') feet from any front or street side property line nor one hundred (100') feet from any property line on the perimeter of the development.
4. The Building Official shall determine, before issuing a permit, whether the proposed temporary construction building and/or construction activity is necessary

and, if it is necessary, that it should be located at the proposed location. The Building Official shall also find that the proposed activity does not place excessive use on any sanitary sewer and/or water systems, nor create a hazardous fire condition. In granting the approval the Building Official may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. As a condition of approval, the Building Official shall require the posting of a cash bond, corporate surety bond or letter of credit to guarantee compliance with this Ordinance and all other applicable Township ordinances, standards, rule and regulations, and a property clean-up of the site at a time indicated in the permit. The fees to be charged for the issuance of the permit and for inspections by the Township shall be as set by resolution of the Township Board. The applicant shall also file with the Township, occurrence based commercial general liability coverage covering liability arising out of the operations of the contractor, with an endorsement applying the policy's aggregate limits by location or project, and having minimum liability limits of \$1,000,000 combined single limit per occurrence, a general aggregate limit of at least \$2,000,000 and a products completed operations aggregate of at least \$2,000,000.

5. Activities allowed pursuant to this section shall conform to the following requirements:
 - a. All roads used for ingress or egress, on or off the site, shall be kept dust free by oiling, chemical substances, or water and/or by paving with cement or bituminous substance.
 - b. Work areas shall be kept clean and clear.
 - c. Work areas shall be posted with the owner's and operator's name and phone number.
 - d. Work yards shall be fenced or otherwise made safe.
 - e. Truck crossings and other means of ingress and egress shall be posted two hundred (200') feet therefrom in either direction to warn motorists.

B. Temporary Real Estate Sales Offices. Real estate sales office shall be permitted in model dwelling units in new residential developments as a temporary use, upon approval of the Building Official, under the following conditions:

1. Temporary sales offices shall be permitted in one family, two family, and multiple family residential developments of twenty (20) units or greater. In one family residential developments, a separate sales office shall be permitted for any builder owning five (5) or more building sites. The use may continue until all units or building sites are sold or until the expiration of the permit for the use provided in subsection 4 below.
2. Temporary sales offices shall only be permitted in developments which have received final plat or site plan approval and in which all required improvements

have been constructed or for which a performance guarantee, to ensure construction of said improvements, has been deposited with the Township.

3. The temporary sales office shall be located entirely within a model dwelling or in a garage attached to the model dwelling except as provided below. Such dwellings shall comply with all building related requirements of the zone district in which it is located and shall further comply with all relevant requirements of the Building Code adopted by the Township. A Certificate of Occupancy shall be issued prior to occupancy of the model dwelling and establishment of the temporary office use. The site upon which the temporary sales office is located shall be landscaped as required under the terms of this Ordinance. Off street parking sufficient to accommodate expected traffic shall be provided.
4. Temporary sales offices shall be permitted in mobile units under the following conditions. These standards shall be in addition to those applying to sales offices in model dwellings:
 - a. The mobile unit shall be approved by the Building Official with building permit and Certificate of Occupancy prior to occupancy.
 - b. The mobile unit shall be located in the interior of the development no closer than one hundred (100') feet from any property line on the perimeter of the development.
 - c. Sales from the mobile unit shall be limited to a period not to exceed six (6) months at which time the unit shall be removed from the property.
 - d. In addition to other required landscaping, the wheels and undercarriage of the mobile sales unit shall be screened with wood or metal skirting and foundation plantings of shrubs.
 - e. Prior to the placement of a mobile unit a cash bond of ten thousand (\$10,000) dollars shall be deposited with the Township to ensure proper removal and clean-up of the mobile unit site. This bond shall be forfeited, without notice, if the mobile unit is not removed and the site cleaned up by the end of the six (6) month period.
5. The office use shall be limited to original sales of lots, units or, dwellings in the development in which the office is located only. Sales of dwellings or property outside of that development is expressly prohibited.
6. The temporary sales office shall be permitted for a period of time not to exceed one (1) year. This time period may be extended annually in one (1) year increments to a maximum of three (3) years.
7. The words "This Use Is Understood To Be A Temporary Use Only" shall be on the approved plans and building permit for the use, and the owner of the property and builder shall sign below the statement.

8. Upon cessation of the office use, the dwelling shall be inspected by the Building Official to ensure removal of the office use prior to sale of the dwelling for residential purposes. A separate Certificate of Occupancy for the residential use shall be required prior to the establishment of such a use of the dwelling.
9. In addition to the permitted entry sign for the development, one (1) wall sign, a maximum of sixteen (16) square feet in area shall be permitted on the temporary sales office.
10. Pennants, banners or other signs or devices otherwise prohibited under this ordinance shall be prohibited.
11. Barrier free access to the temporary sales office shall be provided.

Section 26.502 Reserved

Section 26.503 Excavation of Land, Land Balancing, and Filling of Land

A. This section shall regulate the depositing of soil as herein described within Commerce Township and regulate grading and leveling of land within the Commerce Township; provide for the issuance of licenses and/or permits for such activities; prescribe rules and regulations and conditions for issuance of such licenses and/or permits; provide for performance guarantees to insure satisfactory performance of the terms of said Ordinance, and provide penalties for the violation thereof.

B. This section shall not include any sanitary landfill operations covered in the Commerce Charter Township Code.

C. Definitions as used in this section only:

1. The term “soil” as used herein shall mean topsoil, subsoil, sand, gravel, rock, stone, aggregate, earth or any other similar material. Said soil shall be free from litter, debris, rubbish, refuse and similar material, including those materials covered by the Charter Township of Commerce Code of Ordinances.
2. The term “fill project” shall mean the depositing, removal, redistribution or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.

D. Purpose of these provisions: Land Balancing, grading, and trenching of land, and other materials and the removal of topsoil, subsoil, sand, gravel and other materials and the filling of land with other soils will result in the emission of noise, dirt, dust and odors and said operations effect permanent changes in the topographical and geological characteristics of land; and further, because of these changes, the operations create dangers and hazards by virtue of shifting earth, standing water, filtration into the underground water systems and other like considerations. In recognition of these facts and in order to preserve Township resources, prevent nuisances and hazards, and require reasonable control of such operations it is deemed necessary that said operations be regulated.

E. Administration and Enforcement: It shall be the responsibility of the Building Director to administer and enforce all provisions of this section.

F. Permit Required; Exceptions:

1. It shall be unlawful for any person to undertake any fill project upon any land in the Charter Township of Commerce without a permit issued pursuant to the terms of this section, except in the following instances:
 - a. When a special land use permit has been issued by the Township for mineral and soil removal.
 - b. When said project is incidental to an operation for which a building permit has been issued by the Township.
 - c. When said project is incidental to development of land subject to Public Act 288 of 1967, as amended, and when preliminary plat approval has been obtained.
 - d. When said project involves construction of a private road in a private road easement approved by the Township.
 - e. When said project involves any normal landscaping, driveway installation and repairs, or other minor fill project conducted in the interest of good land husbandry, and not in conflict with the purpose of this Section or any the Commerce Charter Township Code or state law.

G. **Requirements for Obtaining Permit:**

1. The application for a permit shall be filed with the Building Director. The Building Director may request such information from the applicant as is necessary to determine that the fill project for which approval is requested will meet the requirements of this Section. The Building Director may consult with the Township Engineer to make such a determination. The Building Director shall issue the permit requested if it is satisfied that:
 - a. The fill project will not impede drainage.
 - b. The fill project will not alter the topographical features of the applicant's property causing a change in the natural flow of surface waters with respect to adjoining properties.
 - c. The fill project will not be in violation of any condition of this Ordinance or other Commerce Charter Township Code or state law.
 - d. The fill project uses only soil as defined in Article 26 of this Ordinance.

- e. The fill project does not endanger the health, safety or welfare of any individual.
 - f. The proposed operation will not create an unreasonable hazard, annoyance, or inconvenience to the owners or occupants of nearby property; will not significantly change the character of the neighborhood or unreasonably reduce the value of nearby properties or adversely affect implementation of the Master Land Use Plan of the Township.
2. Where necessary to a proper consideration of the factors listed in Article 26, the Building Director is authorized to require the applicant to furnish any or all of the information described in this sub-section.
- a. A full identification of the applicant and all persons to be directly or indirectly interested in the permit if granted.
 - b. The residence and business address of the applicant, including all members of any firm or partnership or all officers and directors of any corporation applying for a permit.
 - c. The exact nature of the proposed soil to be used in the project and an estimate of the approximate number of cubic yards involved.
 - d. The proposed route where soil will be transported.
 - e. The past experience of the applicant in the matter to which the permit pertains and the name, address and past experience in such matters of the person to be in charge of the proposed operations.
 - f. The location of the place and the name and address of all person and firms from whom the soil and any materials to be used in the project are to be obtained.
 - g. The time within which the project is to be commenced after the granting of said permit, the time when it is to be completed and the sequence of operations and hours of operation.
 - h. Such further information as the Township may require in order to evaluate the impact of the proposed fill project on the health, safety and welfare of the community.
 - i. A topographic map of existing land features prepared under the supervision of a land surveyor or professional engineer (civil), registered in the State of Michigan, at a scale not smaller than fifty (50') feet to one (1") inch, indicating,
 - i. A legal survey of the property where filling is proposed.
 - ii. Existing ground surface elevations for involved property and adjacent, contiguous areas within three hundred (300') feet of said property

boundaries, by accurate contours at intervals not exceeding two (2') feet, U.S.G.S. datum.

- iii. All existing surface and subsurface improvements within the area covered by the map, such as buildings, roads, driveways, shared driveways, fences, culverts, pipe lines, electric and telephone lines, etc., accurately located and clearly identified and described.
- iv. Existing drainage courses, with channel cross-section and profile information.
- v. Permanent parcel number(s) as on record with the County of Oakland of the subject site and all abutting properties, with ownership.
- vi. Seal of the surveyor or engineer that supervised the preparation of the map, on each sheet thereof.
- j. A map or drawing of the proposed land fill/land balancing project, prepared under the supervision of a land surveyor or professional engineer (civil), registered in the State of Michigan, at the same scale as the topographic map indicating:
 - i. Proposed finished surface elevations and slopes, by contours at intervals not exceeding two (2') feet, on U.S.G.S. datum, with cross-sections as necessary to clearly indicate proposed slopes and drainage provisions around the periphery of proposed site.
 - ii. Clear delineation of limits of proposed grade changes.
 - iii. Location of proposed access road or roads from public highway to proposed site.
 - iv. Stormwater drainage provisions, both during and following completion of operations, including drainage pattern, run-off calculations and detailed information for proposed new or improved drainage facilities.
 - v. Type of proposed fill material and proposed placement and compaction methods.
 - vi. Details of provisions for controlling soil erosion and for controlling sedimentation onto contiguous properties and into water courses, both during and following completion of operations.
 - vii. Seal of the surveyor or engineer that supervised the preparation of the map, on each sheet thereof.

H. The Building Director may attach such conditions to the granting of the Permit under this Section which he/she may find necessary to insure that the intent and purpose of this Ordinance is

in all respects observed. Any violation of a condition(s) included in the Permit shall be construed as a violation of this Ordinance, shall give rise to the penalties provided in this Ordinance, and shall be grounds for revoking the Permit. The permittee shall submit a written request to the Building Director for approval of changes to the original plans, specifications, reports and methods of operation submitted with a Permit application. No such change shall be initiated until the written approval of the Building Director has been obtained.

I. Payment of Fees and Issuance of Permits: At the time of application, the applicant shall pay an engineering review fee. At the time of the issuance of the permit, if the application for the permit is granted, the applicant shall pay a permit fee. Such fees shall be as established by the Township Fee Ordinance. These fees shall have no effect on any additional fees and/or costs as required by the Township in the Commerce Charter Township Code or any other Ordinance. If the application is approved and all fees paid, the Building Director shall issue a permit.

J. Expiration, Termination, Suspension and Revocation of a Permit:

1. When a fill project, as described in the application and supporting information submitted to the Building Director is completed, the permit granted shall terminate and no further materials may be deposited or moved on the site until a new application has been filed and a permit granted in the same manner as provided for the original application and permit.
2. In the event that any project for which a permit has been granted is not commenced within three (3) months from the date of granting of such permit or in the event work is started on a fill project pursuant to a permit properly issued and said work is abandoned for a period of three (3) months, then in that event, said permit shall automatically expire by limitation and cease to be valid for any purpose.
3. The permit holder shall confine his activities with regard to any fill project for which a permit has been granted to those activities described in the permit application and/or in the plans and specifications submitted pursuant to Article 26 of this Ordinance. Failure of the permit holder to conform the fill project to the activities described in the approved permit application and plans upon which granting of the permit was based (and any approved amendments thereto) shall result in the suspension or revocation of the permit, forfeiture of any and all bonds furnished, and prosecution under the terms of this Ordinance.

K. Appeals: An applicant whose application for a permit under this Section has been denied by the Building Director or issued in a form different than requested shall have the right to appeal the Building Director's decision to the Zoning Board of Appeals of the Charter Township of Commerce in accordance with Article 41.

L. Performance Guarantee: Before issuance of a permit, there shall be filed by the applicant a performance guarantee, in accordance with the requirements of Article 1. The Building Director shall, in establishing the amount of the performance guarantee, consider the scale of operation, the prevailing costs to rehabilitate the property upon default of the operator, court costs and other reasonable expenses.

Section 26.504 Farm Market

A. Purpose and Intent

Traditional family farms are no longer economically viable in the urban environment created by population growth in Oakland County and the Township. Farming, for the purpose of wholesale distribution, cannot survive in the Township because of the direct and indirect additional costs of farming in an urban area. Land and labor costs far exceed those of competing farms in more rural areas. Farm equipment and material suppliers are no longer located within the Township or the area. Farming for direct retail sale of produce is also non-economic. The produce departments of large supermarkets and grocery stores are able to supply fruit and vegetables at our near the cost of a farm market and often supply such goods at below cost as a means of encouraging store traffic. Direct retail sale of farm produce is limited to a few weeks a year and is extremely dependent upon weather conditions for success. Notwithstanding these concerns and difficulties, the Township wishes to encourage the use of land for farm purposes. Farming and farm land provide valuable open space within the Township for the enjoyment of all residents while still utilizing the land productively. Farms help maintain the connection to the Township’s rural past. The direct sale of produce from Township farms helps promote a sense of self-sufficiency and community often missing in an urban environment. Promotion and preservation of farms and farm land is of great benefit to the Township and its residents.

It is the intent of this Section to establish standards and conditions to promote the creation and preservation of farms and farm land within the Township. To this end, land may be used for sales of farm and farm related products in accordance with and subject to the standards and conditions set forth in this Section.

1. Point of sale must be located in a permanent structure located on an active farm having a minimum of 30 contiguous acres utilized for agricultural purposes and owned or leased by the operator. For purposes of this Section, contiguous shall include property on either side of a public road.
2. Sales site must be located on land that has frontage on a major thoroughfare having a proposed R.O.W. of 120 feet as designated in the Master Right-of-Way Plan of the Road Commission for Oakland County.
3. All buildings associated with the sales and production of products must be located a minimum of eighty (80’) feet from the paved surface of any roadway. Exterior display of goods shall be so located and fenced so as to prevent direct access from or to any road right-of-way.
4. Ingress and egress to the business must be via a twin drive configuration with road intersection points that provide safe and adequate access as determined during site plan review. A minimum of twenty five (25) parking spaces shall be supplied in a paved or graveled parking lot having a twenty five (25’) foot setback from the right-of-way line. Additional overflow parking may be supplied on adjacent land. Said parking area shall be signed to indicate the parking area and aisle ways indicating

direction of the exit. Signage may be augmented with a two color tape or pennants located at normal auto headlight level.

5. No portion of the building, as identified on the site plan, may be located closer than two hundred (200') feet to a public road intersection or a residential structure on adjacent property.
6. Accessory uses may include uses or activities designed to promote the understanding of rural culture and farm life and to promote the sale of farm produce and related goods, including, but not limited to, a cider mill, bakery, and canning area for fruit and vegetable preserves, hay rides, haunted houses, mazes, petting zoos, “you-pick” activities, recreational areas for children such as playgrounds, private events such as birthday parties, weddings, corporate parties, retreats, sale of food for consumption on and off site, and other value-added activities. Such event, promotions or activities do not require approval under the temporary use standards in Article 26, unless they are conducted in conjunction with for profit commercial carnivals, circuses, or similar businesses.
7. Signage shall be subject to the standards applicable to the B and I districts in Article 30.
8. There shall be no permanent exterior lighting (other than typical residential/farm lighting). Except in conjunction with temporary activities permitted by Article 26, no loudspeakers, pennants (other than to define parking areas), flags, balloons, or other advertising materials may be displayed on the site.
9. Permanent toilet facilities or portable toilets shall be supplied as required, with a minimum of one facility each for men and women.
10. Hay rides, pony rides, farm animal view yard, and similar farm related activities are permitted.
11. All farm markets shall be subject to site plan approval per the requirements of Article 35.

Section 26.505 General Performance Standards

No use shall be permitted within any District which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

A. **Smoke:** It shall be unlawful for any person, firm or corporation to permit the emission of any smoke from any source whatever to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but no darker than No. 2 of the Ringlemann Chart for a period, or periods, aggregating four (4) minutes in any thirty (30) minutes.

Method of Measurement: For the purpose of visually grading the density of smoke, the Ringlemann Chart, as now published and used by the United State Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Umbrascope reading of smoke densities may be used when correlated with Ringlemann Chart.

B. Dust, Smoke, Soot, Dirt Fly Ash, and Products of Wind Erosion: Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Air Pollution Act, Michigan Public Act 348 of 1965, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles, or debris from open stock piles shall be prohibited. Emission of particulate matter from materials, products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

Method of Measurement: For the purpose of determining the adequacy of such devices, conformance shall be achieved when the percentage of excess air in the stack does not exceed fifty (50%) percent at full load. The foregoing requirements shall be measured by the A.S.M.E. test code for dust-separating apparatus. The Building Director may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

C. Open Storage: There shall be no outdoor storage of any industrial or commercial equipment, vehicles (such as, but not limited to, cars, trucks, boats, trailers, etc.) and/or other materials, including wastes, unless otherwise provided by this Ordinance. Except as provided herein, any storage shall be screened from public view from a public road and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles and all materials to be stored. Whenever such open storage is adjacent to any residential, special purpose or mobile home park zoning district in either a front, side or rear lot line relationship, whether immediately abutting or across a right-of-way from such zoning district, there shall be provided an obscuring masonry wall or wood fence of at least six (6') feet in height. The open storage shall not exceed the height of the screening wall or fence. A masonry wall or wood fence shall be repaired, maintained and kept in good condition.

D. Glare and Radioactive Materials:

1. Glare from any process (such as, or similar to, arc welding or acetylene torch cutting) which permits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Emissions from radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

- 2. Glare from automobile headlights, or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.

E. **Fire and Explosive Hazards:** The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended, and The International Fire Code of 2006, including Appendices A through G, as published by the International Code Council, and all previous and future amendments thereto, as adopted by the Township in Chapter 20 of the Commerce Charter Township Code.

F. **Noise and Vibration:** The intensity level of sounds from one use shall not exceed the following decibel levels when adjacent to the following types of uses:

<u>In Decibels</u>	<u>Adjacent Use</u>	<u>Where Measured</u>
55.....	Residential Dwelling.....	Common lot line
65.....	Commercial	Common lot line
70.....	Industrial and other	Common lot line

The sound levels shall be measured with a type of audio output meter approved by the Bureau of Standards. Objectionable noises due to intermittence, beat frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses. All machinery shall be so mounted and operated as to prevent transmission of ground vibration which can be readily perceived by a person standing anywhere outside the lot lines of its source.

G. **Odors:** The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

H. **Waste Rubbish Dumping:** No garbage, sewage, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on any land within the Township except in conformance with the Commerce Charter Township Code.

Section 26.506 Reserved

Section 26.507 Reserved

Section 26.508 Outdoor Display and Sales of Christmas Trees

Outdoor display and sales of Christmas Trees shall be permitted as a temporary use under the following conditions:

- A. A cash bond shall be deposited with the Township to ensure clean up of the site and compliance with the Commerce Charter Township Code and all Ordinance requirements. The amount of the bond and the schedule for reimbursement shall be established by the Township Fee Ordinance.
- B. A permit for the temporary use must be obtained from the Building Department. Permits for such uses shall be for a period not to exceed forty-five (45) days. A new permit shall be necessary for each season of operation.
- C. Such uses shall be located on major thoroughfares having an existing or proposed right of way of one hundred twenty (120') feet as designated in the Master Right of Way Plan of the Road Commission for Oakland County. Within a RM zone district such uses shall be permitted only on property not otherwise occupied by a dwelling.
- D. Any structure erected or placed on the property for the temporary use shall be portable and temporary in nature.
- E. Off-street parking shall be provided at a ratio of five (5) parking stalls for each one thousand (1,000) square feet of Christmas tree display area. Adequate safe ingress and egress shall be provided.
- F. Off-street parking, the Christmas tree display area and any buildings shall be setback a minimum of thirty (30') feet from the front or road side setback lines and shall not be located less than one hundred (100') feet from any property used for single family residential use.
- G. If a temporary Christmas tree sales use is to be located on a parcel otherwise occupied by a principal use with an off-street parking area, the temporary use may be located in said parking area, provided the temporary use and parking required for such use shall not reduce the number of parking spaces available to less than the minimum required for the principal use.
- H. A temporary Christmas tree sales use may display one freestanding sign not to exceed sixteen (16) square feet in area. Signs for the use shall otherwise comply with all the requirements of Article 30 of this Ordinance.
- I. Any exterior lighting for the Christmas tree sales use shall be directed or shielded as necessary so as not to create a nuisance for occupants of adjoining property and shall be so arranged as not to adversely affect driving visibility on adjacent thoroughfares.
- J. Upon discontinuance of the temporary use any temporary structure and signs shall be removed from the site and the property shall be returned to the condition it was in prior to the temporary use.

Section 26.509 Outdoor Theatres

Outdoor theatres shall be permitted subject to the following conditions:

- A. The proposed internal design shall receive approval as to adequacy of drainage, lighting, and other technical aspects.

B. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of at least one hundred and twenty (120') foot of right-of-way or greater, and shall not be available from any internal residential street.

C. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a dedicated public right-of-way.

Section 26.510 Overnight Camping Facilities

A. Overnight camping facilities shall be permitted limited to transient recreational purposes and shall be subject to the following restrictions:

1. Retail, service and utility uses shall be limited to the accessory provision of goods and services for overnight visitors. Such uses shall not be visible beyond campground or recreational vehicle park boundaries.
2. Maximum density:
 - a. Not more than twelve (12) campsites shall be permitted per acre.
 - b. Each campsite shall be at least three thousand (3,000) square feet in area.
 - c. Recreational vehicles or tents shall not be parked any closer than fifteen (15) feet to each other.
3. Any camping site, facility, accessory building or use associated with the campground shall be setback a minimum of 100 feet from land zoned or used for residential purposes.
4. Public stations, housed in all-weather structures, containing adequate water outlets, toilets, waste containers and shower facilities shall be provided uniformly throughout the development at a ratio of not less than one (1) such station per each twenty (20) sites.

B. Overnight camping facilities for tents, campers, and travel trailers may be allowed as an accessory use to a Gun Club or Conservation Club. The intent of this Section is to allow overnight, short term camping at a Gun Club to accommodate special events and to allow camping for youth organizations such as the Boy Scouts or Girl Scouts subject to the following standards:

1. The number of campsites shall not exceed one (1) site for each one (1) acre of contiguous gun club property except for organized youth camping which may exceed one (1) site for each acre with the permission of the Planning Commission.
2. There shall be no permanent storage of campers or travel trailers on the property and no mobile home units will be allowed as part of the camping facility.

3. Adequate sanitary facilities acceptable to the Oakland County Health Division shall be provided.
4. The minimum required yards for such a use shall be one hundred (100') feet for front, side and rear yards. Sanitary waste disposal facilities or shower facilities shall be located no closer than two hundred (200') feet to any property line.
5. The maximum length for any one camping event shall not exceed four (4) consecutive nights.
6. Gun Clubs which are planning camping events shall provide the Planning Commission with a list of proposed events annually. This list is intended only for informational and public safety purposes. Amendment of the list may be accomplished by providing written notice of the change to the Planning Commission no less than sixty (60) days prior to the event.

Section 26.511 Roadside Produce Stands

- A. Roadside produce stands that are seasonal in character and utilized on a temporary basis such stands may be permitted in R-1 zone districts upon obtaining a permit from the Building Department subject to the following:
1. Roadside stands shall be portable and temporary in nature.
 2. Such uses shall be located on major thoroughfares having an existing or proposed right-of-way of one hundred twenty (120') feet as designated in the Master Right-of-Way Plan of the Road Commission for Oakland County.
 3. Such uses shall be permitted anywhere on the subject property except within the right-of-way of any public or private street or road or within a required side or rear yard.
 4. Adequate ingress and egress and adequate off-street parking shall be provided. Parking shall not be located within the right-of-way of any public or private street or road.
 5. Permits for such uses shall be for a period not to exceed six (6) months and shall be restricted to residents of Commerce Township and to the property of residents of Commerce Township. A new permit shall be necessary for each season of operation.
 6. Items for sale shall be limited to produce grown on the immediate property or on property within Commerce Township which is owned or leased by the operator of the roadside stand except that two (2) items not grown on owned or leased property within the Township may be sold for each one (1) item grown on such land to a maximum of ten (10) such items. Processed goods and non-farm items may not be sold from roadside stands.

7. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. or daylight hours, whichever is less. No lighting shall be permitted.
8. Such uses may display one freestanding sign, located on the premises upon which the use is located, and one wall type sign located on the roadside stand. Freestanding signs shall not exceed sixteen (16) square feet in area and shall not exceed thirty (30”) inches in height and shall not be located within the right-of-way of any public or private street or road nor within any clear site triangle as defined in this Ordinance. Wall signs shall not exceed twenty (20) square feet in area and shall be mounted flush on the face of the roadside stand.
9. Upon discontinuance of the seasonal use any structures signs and other materials associated with the use shall be removed from the roadside.

Section 26.512 Similar Principal Permitted and Special Land Uses

A. The Building Director shall consider the following factors in determining whether a use shall be permitted as a principal permitted use or a special land use based upon a similarity to specifically listed principal permitted uses or permitted special land uses within a particular zoning district:

1. Similarity of the proposed use to existing and permitted uses in terms of:
 - a. Purpose.
 - b. Intensity.
 - c. Generation of:
 - i. Noise.
 - ii. Odor.
 - iii. Vibration.
 - iv. Light.
 - v. Congestion.
 - d. Aesthetics.
 - e. Demand for public services and facilities.
2. Compatibility of the proposed use with existing and permitted uses in terms of:
 - a. Aesthetics.
 - b. Demand for public services.

- c. Demand for public facilities.
 - d. Generation of:
 - i. Noise.
 - ii. Odor.
 - iii. Vibration.
 - iv. Light.
 - v. Congestion, including but not limited to traffic and pedestrian congestion.
 - 3. Whether the proposed use would change the character of the use district as contemplated by the terms of this Ordinance.
 - 4. Whether the proposed use would adversely affect the public health, safety and welfare of the community at large.
- B. A site plan under Article 35 may be required by the Building Director if necessary for a proper consideration of the factors listed in this section.
- C. If the Building Director determines that a use can be considered as a special land use, based on its similarity to a specifically permitted land use within a particular district, then the proposed use shall meet the requirements applicable to that permitted land use to which it is similar, as well as the additional criteria of this Article 26.

Section 26.513 Storm Water Basins and Sewage Treatment Facilities

A. General Requirements

Where a detention or retention basin or similar stormwater management facility is required, it shall be subject to the following:

- 1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression.
- 2. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
- 3. Plantings shall replicate a natural environment. Deciduous shade and ornamental trees, shrubs, perennials, grasses and other groundcover shall be clustered around the basin to achieve a variety of plant materials.
- 4. Clusters of shrubs spaced not more than six (6) feet on center shall be provided above the high water or freeboard elevation of the pond. A minimum of one shrub

shall be planted for every twenty (20) linear feet measured along the freeboard elevation of the pond.

5. Trees shall be planted above the freeboard line of the basin. One (1) ornamental deciduous tree (e.g., crabapple, pear, etc.) shall be planted for every forty (40) linear feet measured along the freeboard elevation of the pond. One canopy deciduous tree (e.g., oak, maple, etc.) shall be planted for every fifty (50) linear feet along the freeboard elevation of the pond.
6. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.
7. Basins shall be planted with native grasses having a minimum height of 24 inches or detention pond seed mix to discourage use by waterfall and to promote bioremediation (decontamination of the stormwater by filtering through the plants). Grass species that go dormant in winter such as fescue are suggested.
8. Basins shall be designed to avoid the need for perimeter fencing; however, if in the determination of the Planning Commission such fencing is required it shall be decorative.
9. Anti-waterfowl devices such as string matrix or string edge are recommended while establishing plantings, provided that such devices are removed immediately when they become unsightly or no longer necessary.
10. A Township-approved stormwater maintenance agreement shall be required for all storm water management facilities, including detention and retention basins.

B. Non-Residential Basins and Sewage Treatment Facilities

Detention or retention basins, sewage treatment plants, and similar on-site utilities which service a non-residential development that abuts a residential district or use, may be permitted in a residential district upon Special Land Use approval of the Planning Commission in accordance with Article 34, Special Land Uses, and subject to the following:

1. The edges of the basin or facility shall be setback a minimum of twenty-five (25) feet from any abutting property line.
2. The facility shall be screened from the adjacent residential area as deemed necessary by the Planning Commission.
3. Sewage treatment facilities shall comply with all requirements of the Township and the Oakland County Health Division as to isolation and setback requirements from adjacent septic or well systems and other facilities.
4. Such basins and facilities shall be on land adjacent to the development being served.

5. A suitable maintenance agreement shall be entered into allowing the Township to cause maintenance of the facility if the owner fails to perform any maintenance specified in any agreements or on site plans. The maintenance agreement meeting the requirements of this Ordinance and the Commerce Charter Township Code shall be prepared by the Township Attorney, executed by the parties, and recorded at the Office of the Oakland County Register of Deeds.
6. Such basins and facilities shall be constructed in compliance with the Township engineering standards.
7. The applicant must demonstrate why the proposed facility cannot be located within the property in which it will serve.

Section 26.514 Structures and Buildings of Historic Significance

A. Special Land Use Approval

Structures and buildings of historic significance shall be permitted to be used as a special land use for any purpose permitted by this Ordinance, notwithstanding the specific regulations of the zoning district within which they are located, provided the conditions of this Section and Article 34, Special Land Uses are met.

B. Determination of Historic Significance

1. In determining whether the proposed special land use shall be permitted with regard to any structure or building, the Planning Commission shall first make a determination of whether the structure or building is of historic significance by considering the factors listed in this subsection. The Planning Commission shall make findings of fact with regard to each factor.
 - a. Is the building or structure designated by the State of Michigan or the United States of America as a historical site?
 - b. Is the building or structure associated with important events, people or institutions?
 - c. Does the building or structure represent the distinctive characteristics of a given period, type of building or method of construction?
 - d. Is the building or structure design, interior, odd or picturesque?
 - e. Does the building or structure represent an important innovation in the history of architecture and/or structural technology?
 - f. Is the building or structure located on the original site?
 - g. What are the realistic possibilities of authenticating the original appearance of the building or structure?

- h. Will the building or structure yield information on history or prehistory during its rehabilitation?
 - i. How old is the building or structure?
 - j. How many similar buildings or structures remain in the area?
 - k. Is the building or structure a part of a harmonious larger context which would be harmed by its removal?
 - l. Is the building or structure characteristic of physical surroundings in which past generations lived?
 - m. Any other factor relevant to a determination of historical significance.
2. If the Planning Commission determines that the structure or building is of historic significance, it shall then determine whether the structure or building shall be permitted to be used in the manner requested by the special land use applicant. In making this determination the Planning Commission shall grant the special land use if the standards listed in this subsection as well as those factors listed in Article 26 of this Ordinance are met. The Planning Commission shall make findings of fact with regard to each factor considered.
3. In addition to such other special conditions as the Planning Commission may impose pursuant to Article 26 of this Ordinance, the Planning Commission shall impose the following special conditions where appropriate and necessary to insure preservation of the building or structure under consideration, enhance the goals of this Ordinance with respect to protection of adjacent properties, and limit the abuse of this method of historic preservation.
- a. Alteration of the building, structure, or site and its environment shall be kept to the minimum necessary to adapt the building, structure or site to the special land use permitted.
 - b. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - c. All buildings, structures, and, sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall not be permitted.
 - d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

- e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- h. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- i. Contemporary design for alterations and additions to existing properties shall be permitted only when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- j. New additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- k. Preservation of the building or structure shall include techniques of arresting and retarding the deterioration through a program of ongoing maintenance.
- l. Reinforcement required for structural stability or the installation of protective or code required mechanical systems shall be concealed whenever possible so as not to intrude or detract from the structures aesthetic and historical qualities (except where the concealment will result in the alteration or destruction of historically significant materials or spaces).
- m. State and National Historical designations shall be aggressively pursued.

Section 26.515 Temporary Events

Temporary events, such as carnivals, street fairs, art fairs, and similar events, which generate substantial noise, traffic, congestion, light, dust, smoke, odor or similar impacts shall require Planning Director review and approval. The Planning Director may seek the advice of the Building Director, and may defer a decision on any temporary event proposal to the Planning Commission. The Planning Director shall have the power to permit temporary events in any district, and to set the length of time of such temporary permits, provided the following provisions are met:

1. All lighting shall be shielded away from abutting occupied property.
2. All uses shall be on a site adequate in size to accommodate the use intended.
3. No exterior loud speaker or public address system shall be used unless the Planning Director determines that no public nuisance or disturbance would occur.
4. All ingress and egress to the site for such use shall be directly onto a public thoroughfare having a designated right-of-way of at least one hundred twenty (120) feet as designated on the Road Commission for Oakland County Master Right-of-Way Plan.
5. All development features, including the principal building or enclosure, shall be located to minimize the possibility of any adverse effect upon adjacent property. This shall mean a minimum distance of two hundred (200) feet to the property line of abutting property and public right-of-way; provided that where topographic conditions are such that the building would be screened from view, this requirement may be modified.
6. No activity shall take place within thirty (30) feet of the perimeter of the area. All activities shall be screened as considered necessary by the Building Director to protect abutting property.
7. Related accessory uses may be permitted in conjunction with the main use when it is clearly incidental to the main character of the use.
8. Tree protection shall be required around all trees that are 6 inches or greater in diameter to protect against compaction of soil due to vehicles driving or parking inside the drip line.
9. A site plan of the proposed uses meeting the requirements of Article 35 shall be submitted to the Planning Director, and shall also include at least the following additional information:
 - a. Designation of the location of fire fighting equipment (firefighting equipment is mandatory and shall be subject to the review of the Fire Chief).
 - b. Certificate of Insurance (amount to be determined by the Township Attorney).
 - c. Method of trash removal.
 - d. Designation of sanitary facilities.
 - e. Method of police protection.
 - f. Duration of activity (dates and hours of operation).

- g. Any other items required by the Commerce Charter Township Code and Ordinances.
 - h. Any other information necessary for the Building Director to make a determination.
10. A performance guarantee shall be posted to insure proper clean up and that the site is returned to its original condition.

The Planning Director shall make findings of fact and determine that the use will not be injurious to the health, safety and general welfare of the abutting property owners and to the community at large.

Section 26.516 Temporary Outdoor Sales Events

It is the intent of this section is to allow temporary sales events, on a limited basis, on developed parcels as an accessory use in various districts. The Township recognizes that such a use can be a valuable promotional device for established businesses in the community. This section is intended to allow such events only as a promotional opportunity for permanent business establishments located on the parcel on which the event is to occur. A temporary outdoor sales event is hereby defined as the sale of merchandise outside of any enclosed building for a limited period of time.

A. Approval of Events

- 1. Each such event shall require a permit, which shall be issued by the Township Building Director.
- 2. The Township Building Director shall have the authority to approve a temporary outdoor sales event under the following circumstances:
 - a. Outdoor sales events may occur on up to thirty (30) days per year provided that no event lasts more than ten (10) days and there are at least five (5) days between events.
 - b. Each event requires a separate permit.
- 3. The Planning Commission, after review of a site plan submitted in accordance with Article 35 (Site Plan Review), shall have the authority to approve temporary outdoor sales events that exceed the 30-day limit in the preceding sub-section.

B. Event Requirements

- 1. Items for sale shall be limited to those items customarily available for sale on the site.

2. Temporary outdoor sales events shall not occupy any minimum required yard or open space area.
3. Temporary outdoor sales events, if in a parking lot, shall not reduce the number of parking spaces available to less than that required for the principal use.
4. Hours of operation of the event shall be the same as the regular hours of operation of the business(es) participating in the event, but at no time shall a temporary outdoor sales event commence earlier than 8:00 a.m. nor continue beyond 9:00 p.m.
5. Adequate restroom facilities shall be provided.
6. Loudspeakers, similar public address devices and search lights shall be prohibited and all lighting shall be shielded to prevent glare off site.

Section 26.517 Outdoor Collection Receptacles

The regulations in this Section are intended to require Outdoor Collection Receptacles to be constructed of materials adequate to protect the contents from the elements, unauthorized access or disturbance, and sufficiently sized, used, maintained, and located so to minimize the adverse aesthetic impact on the property where placed, the public rights of way, and adjacent and nearby properties. It is intended that requiring appropriate screening of outdoor collection receptacles will minimize adverse effects of their placement and use where located, on adjacent properties, and the public rights-of-way and complement and enhance the environment and character of the area and the Township as a whole.

A. Requirements

The owner, lessee, licensee, or their agent, and occupants of every property where trash, waste, garbage or recyclable materials accumulate or where goods or materials are solicited or deposited as donations (charitable or non-charitable) shall be jointly and severally responsible for providing clean, and proper locations and receptacles for collection, temporary storage, disposal, removal and/or recycling or reuse of such materials, subject to the following:

1. No occupant, owner, lessee, licensee or their agent, shall permit the storage or accumulation of trash, waste, garbage, donated, discarded, or recyclable materials or materials for re-use in open yards or lots.
2. Outdoor Collection Receptacles (Large or Small) not located within a principally permitted structure shall be considered Accessory Uses and shall be permitted only after site plan review and approval under Article 35.
3. All trash, waste, garbage, donated goods or materials, discarded goods or materials, goods or materials intended for re-use, or recyclable goods or materials shall be contained within properly designed Large or Small Outdoor Collection Receptacles located in areas designated on an approved site plan, and regularly emptied and cleaned by authorized parties.

4. Outdoor Collection Receptacles shall be constructed of metal or other suitable material sufficient to protect the contents from the elements, rodents, insects, or pests, and unauthorized access. Large Outdoor Collection Receptacles shall be maintained free from holes, dents, rust, or structural damage and in same condition as when approved for location on the premises.
5. Outdoor Collection Receptacles shall be maintained free from graffiti and shall be permanently marked with the name and contact information of the owner or other party responsible for such container as provided in Section 26.517(A)(9).
6. Outdoor Collection Receptacles shall not have any advertising, logos, or messages affixed thereto, except that Large Outdoor Collection Receptacles used for other than trash or refuse collections shall be permitted to identify the owner or operator of the affiliated entity provided that any such identification shall count against the total sign limits applied to the property where placed.
7. Outdoor Collection Receptacles shall not block or impede access to:
 - a. Required parking or driveways
 - b. Pedestrian walkways
 - c. Emergency vehicle routes
 - d. Building ingress and egress
 - e. Required handicapped accessibility routes
 - f. Required easements
8. Outdoor Collection Receptacles shall be placed on a hard concrete surface and secured against movement by the elements or unauthorized persons.
9. Large Outdoor Collection Receptacles shall have the following information displayed on the front in 2 inch lettering:
 - a. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the UDCB and the parcel owner/owner agent;
 - b. Address and parcel number of the site;
 - c. Instructions on the process to register a complaint regarding the Large Outdoor Collection Receptacle Township code enforcement authorities;
 - d. The type of material that may be deposited;
 - e. A notice stating that no material shall be left outside the Large Outdoor Collection Receptacle;

- f. The pickup schedule for the Large Outdoor Collection Receptacle
- 10. All Outdoor Collection Receptacles shall be emptied of their contents at least weekly and shall be maintained in an odor free condition at all times.
- 11. Areas where Outdoor Collection Receptacles are placed shall be kept free of loose trash, waste, refuse, litter, debris, discarded or donated items and maintained in a neat, orderly and sanitary condition.
- 12. If the Large Outdoor Collection Receptacle is accessed or used by anyone other than the owner, lessee, or occupant of the property where located and the authorized party responsible for removal of its contents at least one parking space shall be allocated for its use in calculating required off-street parking.
- 13. No Large Outdoor Collection Receptacle shall be located in a front yard or in a side yard fronting on a public or private street. However, if the Large Outdoor Collection Receptacle is a charitable donation bin, a sign no larger than 2 feet by 2 feet identifying its presence may be erected at an on-site location approved by the Planning Commission within the front yard and adjacent to the drive providing access to it. The signage shall count against the maximum allowable signage for the property on which the Large Outdoor Collection Receptacle is located.
- 14. Except for temporary construction related containers, no Large Outdoor Collection Receptacle shall be located in a residential zoning district.
- 15. Large Outdoor Collection Receptacle enclosure gates shall be closed and secured when not in use.
- 16. Large Outdoor Collection Receptacles for storage of food wastes, grease and other restaurant or food service garbage shall be properly sealed and secured to minimize odors and prevent animal or insect infestations. Receptacles for storage of grease shall be stored inside the building.

B. Enclosures

Large Outdoor Collection receptacle enclosures shall conform to the following:

- 1. Except as provided in Section 26.517 (B) (8) below, Large Outdoor Collection Receptacles shall be completely enclosed and secured by a decorative screen wall on three sides, and steel reinforced, opaque and lockable wooden gates. Bollards or other protective devices may be required to prevent damage to the screen walls. The gate shall consist of a steel frame with wooden or vinyl pickets. If wood is used, it must be pressure-treated, cedar or redwood.
- 2. The type, color and pattern of enclosure materials shall match or complement the exterior facade materials of the principal building.

3. The height of the enclosure shall be sufficient to completely screen all Large Outdoor Collection Receptacles and materials, up to a maximum of eight (8) feet.
4. The surface within Large Outdoor Collection Receptacle enclosures shall be constructed of concrete, and shall extend a minimum of ten (10) feet in front of the enclosure.
5. Large Outdoor Collection Receptacle enclosures shall be located a minimum of five (5) feet away from doors, building overhangs, eaves and similar features, and shall not block pedestrian or vehicle access. If the building is of non-combustible construction, the Large Outdoor Collection Receptacle enclosure may be placed against the building subject to the approval of the Township Fire Department upon a finding that such placement is consistent with fire regulations. Such enclosures shall be located in a side or rear yard to minimize visibility from adjacent properties and road rights-of-way.
6. The Planning Commission shall have the authority to modify waste receptacle enclosure height, material and location standards, provided that the alternative meets the screening objectives of this Section. However, the Planning Commission shall not permit Large Outdoor Collection Receptacles to be located in a Front Yard or a Side Yard fronting on a street.
7. Large Outdoor Collection Receptacles used for donated, discarded, or recyclable materials or materials intended for re-use may be located within a three sided screening enclosure so as to shield the Large Outdoor Collection Receptacle from view on three sides, but to permit the public to see the Large Outdoor Collection Receptacle and identifying information from one side, provided that all other requirements of this section 26.517(B) are met.

C. Trash Compactor Screening

Outdoor trash compactors shall be located in a side or rear yard to minimize visibility from adjacent properties and road rights-of-way. Such facilities shall be screened to the satisfaction of the Planning Commission. Trash compactors may also be placed internal to the building.

Section 26.518 Wireless Communication Facilities

A. Permitted Locations

Wireless communication facilities shall be permitted as principal permitted uses in all zoning districts provided such facilities meet all of the following requirements:

1. Wireless communication towers shall be permitted only on land owned by the Township.
2. Wireless communication antennas may be located on an existing wireless communication tower or an electrical transmission tower. Wireless communication antennas located on electrical transmission towers shall extend no further than

eleven (11) feet above the existing tower. Wireless communication antennas may be located on a wireless communication tower constructed to replace an existing wireless communication tower, if the replacement was accomplished in order to accommodate co-location.

3. The applicant must demonstrate that it is not practical or feasible to co-locate on an existing wireless communication tower inside or outside the Township, which would provide substantially the same service.
4. Wireless communication towers must be constructed to permit co-location of at least 3 additional antennas for wireless communication service.
5. Wireless communication towers must be of monopole design and painted a color so as to minimize distraction, reduce visibility and maximize aesthetic appearance to ensure compatibility with its surroundings.
6. If the wireless tower is proposed for location on the portion of a site requiring landscaping by this Ordinance then a landscaping plan shall be submitted meeting the requirements of this Ordinance.
7. The wireless communication tower shall be removed from the site if the facility is not used for 180 days or more. The cessation of transmission or reception of radio signals shall be considered as the beginning to a period of nonuse.

Section 26.519 Underground Utilities

Subject to applicable State and Federal regulations, all utilities, including but not limited to electric, natural gas, cable TV and telephone, shall be located underground to the extent feasible. Significant upgrades or re-construction of existing above-ground utilities shall include relocation of such utilities underground where feasible. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission or other agency with jurisdiction.

Section 26.520 Wind Energy Conversion Systems (4-25-2012)

A. Purpose and Intent

The purpose of this Section is to establish standards and procedures by which the installation and operation of a Wind Energy Conversion System (WECS) shall be governed within the Township to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities.

B. Definitions

For purposes of this Section, these terms shall be defined as follows:

1. Ambient: The sound pressure level exceeded 90% of the time (i.e., L₉₀).

2. Anemometer Tower or Met Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the Supervisory Control and Data Acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy Conversion System.
3. ANSI: The American National Standards Institute.
4. Building-Mounted Wind Energy Conversion System. A Wind Energy Conversion System, attached to a building’s roof, walls, or other elevated surface. A Building-Mounted Wind Energy Conversion System has a nameplate capacity that does not exceed ten kilowatts
5. dB(A): The sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
6. Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.
7. Lease Unit Boundary: The boundary around a property leased for purposes of a wind energy facility, including adjacent parcels to the parcel on which the wind energy facility tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.
8. On-Site Wind Energy Conversion System: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
9. Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a Wind Energy Conversion System casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
10. Sound Pressure: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
11. Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).
12. Tower Mounted Wind Energy Conversion System. An On-Site Wind Energy Conversion System with a height of not more than 120 feet.
13. Wind Energy Conversion System (WECS): Shall mean a combination of:
 - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and

- b. 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; and
- c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
- d. The tower, pylon, or other structure upon which any, all or some combination of the above are mounted.
- e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS such as substations, anemometer towers or Met Towers, cables and wires and other buildings accessory to such facility.

C. Type of Review Required and Applicable Regulations

- 1. Site plan approval, a building permit, and adherence to the regulations set forth in this Section shall be required for all Building-Mounted and Tower-Mounted Energy Conversion Systems located in non-residential zoning districts.
- 2. Special land use review as provided for in Article 34 of this Ordinance, site plan approval, a building permit, and adherence to the regulations set forth in this Section shall be required for Tower-Mounted Wind Energy Conversion Systems located in any zoning district.

Type of WECS	Is Special Use Review Required? (follow procedure in Article 34)	
	Residential Districts	Non-Residential Districts
Building-Mounted	No	No
Tower-Mounted	Yes	Yes

D. Standards for Building-Mounted Wind Energy Conversion Systems

The following standards shall apply to Building-Mounted WECS:

- 1. Purpose. Designed to primarily serve the needs of a home, farm, or small business.
- 2. Height. The maximum permitted height, measured from the highest point of the roof, excluding chimneys, cupolas, spires, and similar projections, to the highest point of the WECS including the top of the blade in its vertical position, for Building-Mounted WECS is as follows:

Zoning District	Maximum Height for Building-Mounted WECS
Residential	10 Feet
Non-Residential (one acre or less)	10 Feet
Non-Residential (greater than one acre)	15 Feet

3. Setbacks. Building-Mounted WECS, including any support apparatus, shall be setback a minimum of 15 feet from the property line, street right-of-way, or overhead utility lines if mounted directly on the roof of the building.
4. Location and Separation: The Building-Mounted WECS shall not be affixed to a wall on the façade of a building facing a street. If more than one Building-Mounted WECS is installed on the same building, a separation equal to the height of the tallest Building-Mounted WECS shall be maintained between the base of each Building-Mounted WECS. However, no more than two Building-Mounted WECS shall be located on any parcel of land located in a residentially-zoned district.
5. Guy Wires. Guy wires shall not be permitted as part of the Building-Mounted WECS.
6. Sound Pressure Level and Noise. The sound created by a Building-Mounted WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). Vibrations shall not be produced which are audible beyond the property on which the Building-Mounted WECS is located
7. Construction Codes, Towers, & Interconnection Standards. Building-Mounted WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - a. Building-Mounted WECS shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and other applicable local and state regulations. An interconnected Building-Mounted WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards, except that off-grid systems are exempt from this requirement.
 - b. The applicant is responsible for determining whether the building has the structural integrity to support the proposed Building Mounted WECS. The applicant shall provide the Township Building Official with documentation from a structural engineer or other competent professional that the area of the

building to which the Building Mounted WECS is proposed to be attached has the structural integrity to withstand the additional load forces.

8. No lettering, advertising or graphics, except for manufacturer insignia, shall be permitted on any part of the structure, hub, or blades.
9. Safety. A Building-Mounted WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All Building-Mounted WECS shall have lightning protection.
10. Decommissioning. The applicant shall decommission the Building-Mounted WECS within twelve (12) months after the useful life of the project. The Building-Mounted WECS will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. The owner of the Building-Mounted WECS shall be responsible for all costs associated with decommissioning of the WECS. If the Building-Mounted WECS owner fails to complete the decommissioning within the required twelve (12) months, the Township may have the WECS decommissioned with the expense charged to the violator and/or become a lien on the property. Decommissioning shall include removal of the Building-Mounted WECS, electrical components, foundation, and all other associated facilities.

E. Standards for Tower Mounted Wind Energy Conversion Systems

The following standards shall apply to Tower-Mounted WECS, including Anemometer Towers:

1. Purpose. Designed to primarily serve the needs of a home, farm, or small business.
2. Height. The maximum permitted height, measured from the average grade to the highest point of the tower including the top of the blade in its vertical position is 120 feet.
3. For the purposes of this section, grade shall be defined as the average grade of the lot or parcel of land upon which the WECS is located.
4. Setbacks. The minimum required setback for Tower-Mounted WECS is 150% of tower height and shall be as measured consistent with sub-section E(2), above.

No part of the WECS structure, including guy wire anchors, may extend closer than 10 feet to the owner’s property lines, or the distance of the required principal structure setback in the respective zoning district, whichever results in the greater setback.

5. Minimum Lot Area. The minimum lot area for a property to be eligible to have a Tower-Mounted WECS shall be as follows:

Type of WECS	Minimum Lot Area
60’ or less	2 acres
Over 60’	5 acres

6. Minimum Ground Clearance. The minimum vertical blade tip clearance from grade shall be 20 feet for any Tower-Mounted WECS.
7. Sound Pressure Level. The sound created by a Tower-Mounted WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
8. Construction Codes, Towers, & Interconnection Standards. Tower Mounted WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
 - a. WECS including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and other applicable local and state regulations. An interconnected tower-mounted WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards, except that off-grid systems are exempt from this requirement.
9. No lettering, advertising or graphics, except for manufacturer insignia, shall be permitted on any part of the tower, hub, or blades.
10. Safety. A Tower-Mounted WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least 6 feet above the guy wire anchors.
11. Decommissioning. The applicant shall decommission the Tower-Mounted WECS within twelve (12) months after the useful life of the project. The WECS will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. The owner of the WECS shall be responsible for all costs associated with decommissioning of the WECS. If the owner fails to complete the decommissioning within the required twelve (12) months, the Township may have the WECS decommissioned with the expense charged to the violator and/or become a lien on the property. Decommissioning shall include removal of the WECS, electrical components, foundation, and all other associated facilities.

F. Site Plan Review Procedure for all Wind Energy Conversion Systems

An application to install any WECS shall be reviewed in accordance with all applicable requirements in Article 35 – Site Plan Review and Article 34 – Special Use Permits (if applicable). In addition to these requirements, site plans and supporting documents for WECS shall include the following additional information:

1. Documentation that sound pressure level, construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues.
2. Proof of the applicant’s public liability insurance for the project.
3. A copy of that portion of any of the applicant’s lease(s) with the land owner(s) granting authority to install the WECS and/or Anemometer Tower; legal description of the property(ies), Lease Unit(s); and the site plan shows the boundaries of the leases as well as the boundaries of the Lease Unit Boundary.
4. The phases, or parts of construction, with a construction schedule.
5. The project area boundaries.
6. The location, height, and dimensions of all existing and proposed structures and fencing.
7. The location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road.
8. All new aboveground infrastructure(s) related to the project.
9. A copy of Manufacturers’ Material Safety Data Sheet(s) which shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
10. Description of operations, including anticipated regular and unscheduled maintenance.
11. A restoration plan for the site after completion of the project which includes the following supporting documentation:
 - a. The anticipated life of the project.
 - b. The estimated decommissioning costs net of salvage value in current dollars.
 - c. The method of ensuring that funds will be available for decommissioning and restoration. The Planning Commission may require the applicant to post a bond to the Township in an amount sufficient to ensure removal of the WECS if it becomes abandoned.

- d. The anticipated manner in which the project will be decommissioned and the site restored.

Section 26.521 Medical Marihuana

A. **Medical Marihuana Act:** This Ordinance shall not limit an individual’s rights under the Michigan Medical Marihuana Act. The Michigan Medical Marihuana Act supersedes this Ordinance where there is a conflict between them.

B. **Medical Marihuana Registered Qualifying Patient:** A qualified patient with a registry identification card may grow and use medical marihuana for his or her own use in any zoning district consistent with the Michigan Medical Marihuana Act.

C. **Medical Marihuana Registered Primary Caregiver:** A primary caregiver with a registry identification card may grow medical marihuana in any zoning district consistent with the Michigan Medical Marihuana Act except that a primary caregiver with a registry identification card who seeks to grow more than twelve (12) marihuana plants in one building is subject to the requirements of Article 23 and Article 26.

D. Marihuana Facilities, as defined by the Michigan Medical Marihuana Facilities Licensing Act, are prohibited in all zoning districts.